

Exhibit W

MARILYN HOLLEY - 04/05/2017

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF NEW JERSEY

3 KIMBERLEE WILLIAMS,)
4 et al.,)

5 PLAINTIFFS,)

6)
7 vs.) CIVIL ACTION
8) NO. 11-CV-01754

9 BASF CATALYSTS LLC,)
10 et al.,)

11 DEFENDANTS.)

12 - - - - -
13 THE VIDEOTAPED DEPOSITION OF MARILYN HOLLEY
14 WEDNESDAY, APRIL 5, 2017
15 - - - - -

16 The videotaped deposition of MARILYN HOLLEY,
17 called by the Defendants for examination pursuant
18 to the Federal Rules of Civil Procedure, taken
19 before me, the undersigned, Sarah R. Drown, Notary
20 Public within and for the State of Ohio, taken at
21 the offices of Thompson Hine LLP, 3900 Key Center,
22 127 Public Square, Cleveland, Ohio, commencing at
23 10:01 a.m., the day and date above set forth.
24
25

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<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES:</p> <p>2</p> <p>3 On behalf of the Plaintiffs:</p> <p>4 Michael Coren, Esq.</p> <p>5 Jared M. Placitella, Esq.</p> <p>6 Cohen, Placitella & Roth, P.C.</p> <p>7 127 Maple Avenue</p> <p>8 Red Bank, New Jersey 07701</p> <p>9 (888) 219-3599</p> <p>10 Mcoren@cpirlaw.com</p> <p>11 Jmplacitella@cpirlaw.com</p> <p>12</p> <p>13 On behalf of the Defendant</p> <p>14 BASF Catalysts LLC:</p> <p>15 Eugene F. Assaf, Esq.</p> <p>16 Peter A. Farrell, Esq.</p> <p>17 Elizabeth Dalmut, Esq.</p> <p>18 Kirkland & Ellis LLP</p> <p>19 655 Fifteenth Street, Northwest, Suite 1200</p> <p>20 Washington, D.C. 20005</p> <p>21 (202) 879-5000</p> <p>22 Eugene.assaf@kirkland.com</p> <p>23 Peter.farrell@kirkland.com</p> <p>24 Elizabeth.dalmut@kirkland.com</p> <p>25</p> <p>26 On behalf of the Defendants</p> <p>27 Cahill Gordon & Reindel LLP,</p> <p>28 Howard G. (Peter) Sloane,</p> <p>29 Ira J. Dembrow:</p> <p>30 Cassandra Fields, Esq.</p> <p>31 Grant Geyerman, Esq.</p> <p>32 Williams & Connolly, LLP</p> <p>33 725 Twelfth Street, N.W.</p> <p>34 Washington, D.C. 20005</p> <p>35 (202) 434-5000</p> <p>36 Cfields@wc.com</p> <p>37 Ggeyerman@wc.com</p>	<p style="text-align: right;">Page 4</p> <p>1 WITNESS INDEX</p> <p>2 PAGE</p> <p>3 EXAMINATION</p> <p>4 MARILYN HOLLEY</p> <p>5 BY MR. ASSAF..... 7</p> <p>6 EXAMINATION</p> <p>7 BY MS. FIELDS..... 155</p> <p>8 EXAMINATION</p> <p>9 BY MR. TUNIS..... 159</p> <p>10</p> <p>11 EXHIBIT INDEX</p> <p>12</p> <p>13 EXHIBIT PAGE</p> <p>14</p> <p>15 Defendants' Exhibit 1..... 51</p> <p>16 Defendants' Exhibit 2..... 81</p> <p>17 Defendants' Exhibit 3..... 85</p> <p>18 Defendants' Exhibit 4..... 87</p> <p>19 Defendants' Exhibit 5..... 94</p> <p>20 Defendants' Exhibit 6..... 94</p> <p>21 Defendants' Exhibit 7..... 94</p> <p>22 Defendants' Exhibit 8..... 94</p> <p>23 Defendants' Exhibit 9..... 94</p> <p>24 Defendants' Exhibit 10..... 94</p> <p>25 Defendants' Exhibit 11..... 94</p> <p>26 Defendants' Exhibit 12..... 94</p> <p>27 Defendants' Exhibit 13..... 118</p> <p>28 Defendants' Exhibit 14..... 121</p> <p>29 Defendants' Exhibit 15..... 136</p> <p>30 Defendants' Exhibit 16..... 139</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED:</p> <p>2</p> <p>3 On behalf of the Defendant</p> <p>4 Thomas D. Halket:</p> <p>5 Eric Tunis, Esq. (Via phone)</p> <p>6 Herold Law, PA</p> <p>7 25 Independence Boulevard</p> <p>8 Warren, New Jersey 07059</p> <p>9 (908) 647-1022</p> <p>10 Etunis@heroldlaw.com</p> <p>11</p> <p>12 On behalf of the Defendant</p> <p>13 Arthur Dornbusch:</p> <p>14 Kevin H. Marino, Esq. (Via phone)</p> <p>15 John A. Boyle, Esq. (Via phone)</p> <p>16 Marino, Tortorella & Boyle PC</p> <p>17 437 Southern Boulevard</p> <p>18 Chatham Township, New Jersey 07928</p> <p>19 (973) 824-9300</p> <p>20 Kmarino@khmarino.com</p> <p>21 Jboyle@khmarino.com</p> <p>22</p> <p>23 ALSO PRESENT:</p> <p>24</p> <p>25 Alex Cook, Videographer</p>	<p style="text-align: right;">Page 5</p> <p>1 Defendants' Exhibit 17..... 140</p> <p>2 Defendants' Exhibit 18..... 141</p> <p>3 Defendants' Exhibit 19..... 141</p> <p>4 Defendants' Exhibit 20..... 141</p> <p>5 Defendants' Exhibit 22..... 142</p> <p>6 Defendants' Exhibit 23..... 142</p> <p>7 Defendants' Exhibit 24..... 143</p> <p>8 Defendants' Exhibit 25..... 143</p> <p>9 Defendants' Exhibit 26..... 143</p> <p>10 Defendants' Exhibit 27..... 143</p> <p>11 Defendants' Exhibit 28..... 143</p> <p>12 Defendants' Exhibit 29..... 143</p> <p>13 Defendants' Exhibit 30..... 144</p> <p>14 Defendants' Exhibit 31..... 144</p> <p>15 Defendants' Exhibit 32..... 145</p> <p>16 Defendants' Exhibit 33..... 145</p> <p>17 Defendants' Exhibit 34..... 145</p> <p>18 Defendants' Exhibit 35..... 145</p> <p>19 Defendants' Exhibit 36..... 145</p> <p>20 Defendants' Exhibit 37..... 146</p> <p>21 Defendants' Exhibit 38..... 146</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

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<p>Page 6</p> <p>1 THE VIDEOGRAPHER: We're on the 2 record. This is the beginning of the video 3 recorded deposition of Marilyn Holley in the 4 matter of Kimberlee Williams, et al. versus 5 BASF Catalysts LLC, et al. in the United States 6 District Court for the District of New Jersey, 7 civil action number 11-CV-01754. 8 The time on the video monitor is 10:01. 9 Today's date is April 5, 2017. The video 10 operator today is Alex Cook. 11 Will counsel please identify yourselves 12 and who you represent. 13 MR. COREN: Good day. I'm 14 Michael Coren. I'm representing the plaintiffs 15 in the Williams case, including Ms. Marilyn 16 Holley who is present here today. 17 MR. PLACITELLA: Jared 18 Placitella for the plaintiffs. 19 MR. ASSAF: Gene Assaf for 20 defendant BASF. 21 MR. FARRELL: Peter Farrell 22 for BASF. 23 MS. DALMUT: Elizabeth 24 Dalmut for BASF. 25 MS. FIELDS: Cassandra</p>	<p>Page 8</p> <p>1 Q Do you understand you're a class representative 2 in a lawsuit? 3 A Yes. 4 Q What's your understanding of your obligations 5 as a class representative in this case? 6 A I represent the estate of my mother, Kathryn 7 Damell, and the other class members. 8 Q And who are the other class members, if you 9 know? 10 A I don't know them by name, no. 11 Q Do you know who they are? 12 A Yes. 13 Q Who are they? 14 A There are other defendants in this matter. I 15 mean other plaintiffs in this matter. 16 Q And do you know how many of them there are? 17 A No, I don't know how many. 18 Q Do you know where they are? 19 A No. 20 Q Do you know what the circumstances are to make 21 them class members? 22 A To the best of my knowledge, they're class 23 members because they were also harmed in this 24 matter. 25 Q Were you harmed in this matter?</p>
<p>Page 7</p> <p>1 Fields for Cahill Gordon and the individual 2 defendants from Cahill Gordon. 3 MR. GEYERMAN: Grant Geyerman, 4 William & Connolly, for Cahill Gordon & 5 Reindel, Peter Sloane, Ira Dombrow. 6 THE VIDEOGRAPHER: The court 7 reporter today is Sarah Drown. 8 Will the reporter please swear in -- 9 MR. TUNIS: Eric Tunis -- 10 excuse me. I assume we're supposed to put our 11 appearances in. Eric Tunis on behalf of Thomas 12 Halket. 13 MR. MARINO: Kevin Marino 14 and John Boyle by telephone on behalf of Arthur 15 Dombusch. 16 MARILYN HOLLEY 17 of lawful age, called by the Defendants for 18 examination pursuant to the Federal Rules of Civil 19 Procedure, having been first duly sworn, as 20 hereinafter certified, was examined and testified 21 as follows: 22 EXAMINATION OF MARILYN HOLLEY 23 BY MR. ASSAF: 24 Q Good morning, Ms. Holley. 25 A Good morning.</p>	<p>Page 9</p> <p>1 A By way of my mother. 2 Q And would you describe for me how you believe 3 you or your mother were harmed. 4 A My mother worked at BFGoodrich in Akron, Ohio, 5 where she was exposed to asbestos. And she is 6 a plaintiff in this matter and I represent the 7 estate. 8 Q Do you think that she was exposed to talc? 9 A Yes. 10 Q What's your factual basis to believe that? 11 A Just by the fact that she worked there and what 12 she said. 13 Q What she said to you? 14 A Yes. 15 Q When did she tell you that she was exposed to 16 talc? 17 A Just in her description of the job and what she 18 did. 19 Q But did she tell you specifically -- withdrawn. 20 I understand she told you she was exposed 21 to asbestos. 22 A Right. 23 Q We're going to get to her deposition later on. 24 A Okay. 25 Q Have you read her deposition?</p>

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<p style="text-align: right;">Page 10</p> <p>1 A I have not read her deposition. I was present 2 at her deposition, one of them, yes. 3 Q And do you recall that she testified that she 4 was exposed to asbestos? 5 A I don't recall exactly what was said. 6 Q Do you recall anything about her discussion of 7 talc at the deposition? 8 A No, I can't say that I do. 9 Q Apart from the deposition, do you recall her 10 discussion of talc with you? Not asbestos, 11 talc. 12 A I don't recall. I'm not saying that she 13 didn't, but I don't recall. 14 Q As we sit here today, you don't recall any 15 discussions of talc with her? 16 A I don't recall. 17 Q And with respect to conversations with your 18 mother, do you ever -- did you ever discuss a 19 company called R.T. Vanderbilt? 20 A No. 21 Q Did you ever discuss a company called Emtal? 22 A No. 23 Q Did you ever discuss a company called 24 Engelhard? 25 A No.</p>	<p style="text-align: right;">Page 12</p> <p>1 A I'm not saying that she was told that talc was 2 harmful, what I'm saying is with the defendants 3 that that matter, as far as talc being harmful, 4 that would have been discussed with her by the 5 attorneys. 6 Q Okay. 7 A And I was not privy to that conversation. 8 Q Okay. So let's leave your mother's discussions 9 with her attorneys aside. I'll come back to 10 that in a second. 11 A Okay. 12 Q Other than your mother's discussions with 13 attorneys, do you have any basis to believe as 14 to how your mother was harmed by talc? Other 15 than what your mother and the attorneys 16 discussed. 17 A Other than what was presented in the complaint, 18 then I have no personal knowledge. 19 Q And we're going to get to the complaint and 20 what personal knowledge you have of the 21 complaint in a second. 22 But in terms of your harms or your 23 mother's harms, you mentioned that she was 24 harmed because she was told that talc was 25 harmful. Is that what you said?</p>
<p style="text-align: right;">Page 11</p> <p>1 Q Did you ever discuss a company called BASF? 2 A No. 3 Q Do you think that your mother was exposed to 4 products made by BASF? 5 A I would have no way of knowing that. 6 Q Do you think she was exposed to products made 7 by Engelhard? 8 A I don't know that personally either. 9 Q In terms of your role as class representative, 10 what do you want out of the case? 11 A What we want from the case is for the Court to 12 recognize that there was fraud and deceit in 13 what was told to us about talc. 14 Q And what was told to you about talc? 15 A In this particular instance we were told 16 that -- that it was harmful to my mom and other 17 class members by way of their employment. 18 Q Your mother was told that talc was harmful? 19 A Based upon what I know of this case, and my 20 mother was the one who did the initial 21 conversations with the attorneys, but based 22 upon what I have been told, yes, I do believe 23 that. 24 Q That your mother was told that talc was 25 harmful?</p>	<p style="text-align: right;">Page 13</p> <p>1 A Yes. That's what I said. 2 Q Okay. And if she were told talc was harmful by 3 her attorney or somebody else, how, then, was 4 she harmed and why is it she should get money 5 in this lawsuit? 6 A She was harmed because she developed 7 mesothelioma, which you can only get by 8 asbestos exposure. 9 Q Do you think that this lawsuit, the Williams 10 lawsuit, the reason you're here, is a case to 11 compensate for her asbestos injuries? 12 A I don't think that I could answer that 13 question. 14 Q Do you think that the harm that you're seeking 15 money for is because of your mother's asbestos 16 injuries? 17 A Yes. 18 Q Are you seeking money for any other reason 19 other than the asbestos injuries? 20 MR. COREN: Objection to 21 form. 22 Q You can answer. 23 THE WITNESS: I can answer? 24 A Repeat the question. 25 Q Sure. Other than seeking money for asbestos</p>

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<p style="text-align: right;">Page 14</p> <p>1 injuries in this case, are you seeking money</p> <p>2 for any other reason in this case?</p> <p>3 A Because of fraudulent representation by the</p> <p>4 company.</p> <p>5 Q And what fraudulent representations are you</p> <p>6 seeking compensation for?</p> <p>7 A Because the company represented that there was</p> <p>8 no asbestos in the talc.</p> <p>9 Q What company represented that?</p> <p>10 A At this point I guess it would be referred to</p> <p>11 as BASF or Engelhard.</p> <p>12 Q When did that representation occur?</p> <p>13 A I don't have those dates.</p> <p>14 Q To whom was that representation made?</p> <p>15 A To -- to my mom and other plaintiffs.</p> <p>16 Q When did -- excuse me.</p> <p>17 Who made the representation to your</p> <p>18 mother and other plaintiffs?</p> <p>19 A I would not know that, because those were</p> <p>20 conversations that my mother had with her</p> <p>21 attorneys.</p> <p>22 Q Did your mother -- withdrawn.</p> <p>23 Other than the conversations with --</p> <p>24 between your mother and her attorneys, do you</p> <p>25 have any personal knowledge of representations</p>	<p style="text-align: right;">Page 16</p> <p>1 there any other harms that you're seeking</p> <p>2 compensation for?</p> <p>3 A Would you clarify that?</p> <p>4 Q Sure. Other than the asbestos injury to your</p> <p>5 mother and other than the fraud that Mr. Bevan</p> <p>6 knows about --</p> <p>7 A Right.</p> <p>8 Q -- are you seeking compensation for any other</p> <p>9 harm?</p> <p>10 A I'm not certain of that. I'm not certain of</p> <p>11 that question.</p> <p>12 Q Okay. Fair enough.</p> <p>13 A Okay.</p> <p>14 Q Okay. So you're seeking compensation for the</p> <p>15 asbestos injuries to your mother?</p> <p>16 A Right.</p> <p>17 Q True?</p> <p>18 A Right.</p> <p>19 Q You're seeking compensation for the allegedly</p> <p>20 fraudulent statements that Mr. Bevan knows</p> <p>21 about, true?</p> <p>22 A True.</p> <p>23 Q Are you seeking compensation for anything else?</p> <p>24 A I don't know what anything else would be.</p> <p>25 Q In this lawsuit, as we sit here today --</p>
<p style="text-align: right;">Page 15</p> <p>1 being made to your mother about talc?</p> <p>2 A I have no personal knowledge of that.</p> <p>3 Q The only knowledge you have is from Mr. Bevan</p> <p>4 regarding what was said or not said to your</p> <p>5 mother, true?</p> <p>6 A Correct.</p> <p>7 Q So you're relying on Mr. Bevan as the source</p> <p>8 for the facts in this lawsuit, fair?</p> <p>9 A I'd say fair based upon the complaint filed,</p> <p>10 yes.</p> <p>11 Q Did -- in terms of the harms -- you mentioned</p> <p>12 that you'd like to be compensated for the harms</p> <p>13 caused by asbestos, true?</p> <p>14 A The harms caused by asbestos and the</p> <p>15 representation by the company.</p> <p>16 Q So you would like to be compensated for the</p> <p>17 harms caused by asbestos and by the</p> <p>18 representations by the company, and these</p> <p>19 representations were the -- are the</p> <p>20 representations that you know through</p> <p>21 Mr. Bevan, fair?</p> <p>22 A Fair.</p> <p>23 Q In terms of the harms, other than compensation</p> <p>24 for asbestos and compensation for these</p> <p>25 representations that Mr. Bevan knows about, are</p>	<p style="text-align: right;">Page 17</p> <p>1 A Okay.</p> <p>2 Q -- you're going to be asking for money,</p> <p>3 correct?</p> <p>4 A Correct.</p> <p>5 Q Okay. And you would like money for the</p> <p>6 asbestos injuries, correct?</p> <p>7 A Yes.</p> <p>8 Q And you would like money for the false</p> <p>9 statements known about by Mr. Bevan, correct?</p> <p>10 A Yes.</p> <p>11 Q Would you like money for anything else?</p> <p>12 A I really --</p> <p>13 MR. COREN: Objection to</p> <p>14 form.</p> <p>15 Go ahead.</p> <p>16 THE WITNESS: Yeah. Okay.</p> <p>17 Q Would you like money for anything else?</p> <p>18 A I really would not know how to answer that</p> <p>19 question. That's not clear to me.</p> <p>20 Q Okay. Are there any other injuries as you sit</p> <p>21 here today that you can identify for me, other</p> <p>22 than the asbestos injury and the alleged injury</p> <p>23 of fraud through Mr. Bevan, statements made to</p> <p>24 Mr. Bevan?</p> <p>25 A I think if there were any other injuries or</p>

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<p style="text-align: right;">Page 18</p> <p>1 anything else asked for that that would be 2 clarified by my attorneys. I'm not the legal 3 representative. 4 Q But you're a class representative. 5 A I'm a class representative. 6 Q So I'm just asking you as you sit here today -- 7 withdrawn. 8 You prepared for this deposition, 9 correct? 10 A Correct. 11 Q Did you meet with your attorneys yesterday? 12 A Yes, I did. 13 Q Who was present? 14 A Myself and Attorney Coren. 15 Q Okay. Was Mr. Bevan present? 16 A No, he was not present during that time. 17 Q Okay. In preparation for your deposition 18 today, have you spoken to Mr. Bevan? 19 A I spoke to him in greeting him yesterday at the 20 office. 21 Q And did you speak to him regarding any of the 22 facts in this case in preparation for your 23 deposition? 24 A No, I did not. 25 Q By the way, do you have a fee agreement with</p>	<p style="text-align: right;">Page 20</p> <p>1 A That he is the attorney that represents us in 2 the asbestos case and the defendants therein. 3 Q In any asbestos case? 4 A Yes. 5 Q Have you sought compensation for asbestos 6 injuries from companies other than BASF? 7 A Yes, we have. 8 Q How many cases? 9 A There's one case, multiple defendants. 10 Q Multiple defendants. How many defendants? 11 A I'm not sure. There are a number of. 12 Q Order of magnitude, three or three, four or 13 five, more than 10? More than 20? 14 A More than 20. 15 Q And have you -- more than 30? 16 A I'm not sure. 17 Q Does 98 sound right? 18 A I really don't know -- 19 Q Okay. 20 A -- how many defendants there were. 21 Q Okay. Would you disagree with the number 98? 22 MR. COREN: Objection as to 23 form. 24 A Not being sure how many defendants there are, I 25 can't agree or disagree.</p>
<p style="text-align: right;">Page 19</p> <p>1 Mr. Coren or Mr. Placitella's firm? 2 A I don't recall that. Our family is represented 3 by Tom Bevan and his associates, so I don't 4 recall that. I think that's taken care of in 5 our relationship with him. 6 Q That as a class representative you have a 7 relationship with Mr. Bevan? 8 A Right. 9 Q And you -- any relationship, then, with the 10 Williams lawyers would be through Mr. Bevan? 11 A It's through Mr. Bevan. 12 Q And you don't know any of the details of that? 13 A I'm not aware of the details of that. 14 Q Were you ever given a written fee agreement 15 outlining what the compensation for -- 16 A I don't recall getting a fee agreement. 17 Q Well, what's your understanding of what the fee 18 agreement is in this case? 19 A I don't have a particular understanding of the 20 fee agreement in this case, all I know is that 21 our estate is represented by Tom Bevan. 22 Q You mentioned you had -- your family and the 23 estate has a relationship with Mr. Bevan. 24 A Yes. 25 Q What do you mean by that?</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Okay. And have you received compensation from 2 other defendants for asbestos-related injuries? 3 A Yes. 4 Q From how many defendants? 5 A I'm not sure how many defendants. 6 Q Order of magnitude, two or three or more than 7 20? 8 A More than 20. 9 Q More than 20? 10 A More than 20. 11 Q And have you received compensation in excess 12 of, say, \$250,000? 13 MR. COREN: Objection. 14 I'll instruct her not to answer that. 15 MR. ASSAF: Grounds? 16 Grounds? 17 MR. COREN: The grounds 18 are -- one, it's, as we have maintained to you, 19 it's totally irrelevant. And in the various 20 filings in front of -- 21 MR. ASSAF: Just -- Mike, 22 is it attorney-client privilege or is it some 23 other ground? No speaking objections, please. 24 MR. COREN: You asked me 25 the grounds --</p>

<p style="text-align: right;">Page 22</p> <p>1 MR. ASSAF: Grounds.</p> <p>2 MR. COREN: -- and I gave</p> <p>3 you the --</p> <p>4 MR. ASSAF: Under the</p> <p>5 federal rules --</p> <p>6 MR. COREN: Now you don't</p> <p>7 want me to give you the grounds.</p> <p>8 MR. ASSAF: No, under the</p> <p>9 federal rules you can instruct a witness not to</p> <p>10 answer for either attorney-client privilege or</p> <p>11 some other reason succinctly stated. If you're</p> <p>12 going to make a speaking objection, I'm going</p> <p>13 to ask that the witness be excused.</p> <p>14 So are you basing it on privilege or some</p> <p>15 other reason under the federal rules of</p> <p>16 evidence?</p> <p>17 MR. COREN: I'm basing it</p> <p>18 on confidentiality and for the reasons that we</p> <p>19 set forth in the various submissions to Judge</p> <p>20 Dickson.</p> <p>21 MR. ASSAF: So it's not a</p> <p>22 privileged instruction, it's a confidentiality</p> <p>23 instruction?</p> <p>24 MR. COREN: That, as well</p> <p>25 as relevance too, but yes.</p>	<p style="text-align: right;">Page 24</p> <p>1 Q You signed confidentiality with the trust?</p> <p>2 A I can't say for sure whether or not it was with</p> <p>3 the trust, but Attorney Bevan's office with</p> <p>4 settlements provided me as fiduciary of the</p> <p>5 estate releases to sign.</p> <p>6 Q And are they releases vis-a-vis Mr. Bevan and</p> <p>7 the estate?</p> <p>8 A Yes.</p> <p>9 Q Okay. And Mr. Bevan's your attorney, correct?</p> <p>10 A Mr. Bevan is our attorney.</p> <p>11 Q And so the confidentiality agreement between</p> <p>12 you and Mr. Bevan and the estate, you could</p> <p>13 change that if you wanted to, correct? You're</p> <p>14 the client.</p> <p>15 A I really -- I really can't say that.</p> <p>16 Q Okay. So other than the confidentiality with</p> <p>17 Mr. Bevan, are you aware of any other</p> <p>18 confidentiality agreement prohibiting you from</p> <p>19 discussing settlements?</p> <p>20 A Not that I can personally recall.</p> <p>21 Q Whose idea was it for you to become a class</p> <p>22 representative in this case?</p> <p>23 A I am a class representative in this case based</p> <p>24 upon being fiduciary of my mother's estate.</p> <p>25 Q But I'm saying how did you even find out about</p>
<p style="text-align: right;">Page 23</p> <p>1 MR. ASSAF: You're</p> <p>2 instructing a witness not to answer because of</p> <p>3 relevance?</p> <p>4 MR. COREN: It's the same</p> <p>5 issues that we had in the answers to</p> <p>6 interrogatories and it's the same issue that's</p> <p>7 before Judge Dickson that's pending on the</p> <p>8 issue of settlements. It's been very</p> <p>9 extensively briefed.</p> <p>10 As we said, you may know that there are</p> <p>11 settlements, but as to nature and the amount of</p> <p>12 settlements, no.</p> <p>13 Q We'll get to the amounts later, because I</p> <p>14 actually have some of the documents.</p> <p>15 You have submitted documents to trusts,</p> <p>16 correct?</p> <p>17 A To the trust, from what I understand, yes.</p> <p>18 Q Correct. And, to your knowledge, have they</p> <p>19 been truthful applications? The information in</p> <p>20 there has been truthful, correct?</p> <p>21 A Truth -- excuse me. Truthful and to the best</p> <p>22 of my knowledge, confidential.</p> <p>23 Q Did you ever sign a confidentiality agreement?</p> <p>24 A I signed confidentiality when I signed the</p> <p>25 releases.</p>	<p style="text-align: right;">Page 25</p> <p>1 this case?</p> <p>2 A Through our attorneys.</p> <p>3 Q Through Mr. Bevan?</p> <p>4 A Right.</p> <p>5 Q This is the same Mr. Bevan who has knowledge of</p> <p>6 any facts regarding talc and representations</p> <p>7 made to your mother, correct?</p> <p>8 MR. COREN: Objection to</p> <p>9 form.</p> <p>10 A Correct.</p> <p>11 Q And the same Mr. Bevan who has this</p> <p>12 confidentiality agreement with you, correct?</p> <p>13 A Correct.</p> <p>14 Q And he's the one who first told you about the</p> <p>15 possibility of being a plaintiff in this</p> <p>16 Williams case?</p> <p>17 A Yes.</p> <p>18 Q When was that?</p> <p>19 A I don't have particular dates.</p> <p>20 Q At the time Mr. Bevan spoke to you, did you</p> <p>21 have any facts regarding Emtal, Engelhard,</p> <p>22 BASF, or Cahill Gordon? Had you ever even</p> <p>23 heard of them?</p> <p>24 A I had not heard of them previous to talking to</p> <p>25 him.</p>

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<p style="text-align: right;">Page 26</p> <p>1 Q In this case as a class representative, would 2 you like money from the defendants? 3 A Yes. 4 Q Other than money, do you want anything else? 5 A I would like it to be clarified for my mom and 6 other class members that this particular 7 company was not truthful in its representation 8 as to their product and the effect of their 9 product on my mother and other class members. 10 Q You said the company was not truthful as to its 11 product? 12 A As to the harm its product could do. 13 Q When you say the company was not truthful as to 14 the harm the product can do, your basis for 15 that is again Mr. Bevan, correct? You have no 16 independent personal knowledge? 17 A I have no independent personal knowledge, but 18 based upon the allegations contained in the 19 complaint, I'm privy by that. 20 Q Other than what's written in the complaint and 21 what Mr. Bevan has told you, you have no 22 independent personal knowledge of the company 23 doing anything wrong, correct? 24 A If you put it that way, I would say I do -- I 25 do not have any independent personal knowledge.</p>	<p style="text-align: right;">Page 28</p> <p>1 an incentive award or a bonus for being a class 2 representative? 3 A No. 4 Q Do you know -- withdrawn. 5 In terms of other class members, have you 6 spoken to any people you believe who are 7 members of the class? 8 A In a meeting at Attorney Bevan's office there 9 were several of us present. I don't remember 10 their names, but I think there were three or 11 four other representatives of the class at that 12 meeting. 13 Q And did they all have a prior relationship with 14 Mr. Bevan? 15 MR. COREN: Objection. 16 I instruct you to the answer -- to the 17 extent your answer relies on advice of counsel 18 you're not to answer, but if you have your own 19 personal basis or knowledge of that, then you 20 can respond. 21 MR. ASSAF: As to whether a 22 person is represented by an attorney and she 23 knows that? That's legal advice? 24 MR. COREN: It depends how 25 she learns it, Gene.</p>
<p style="text-align: right;">Page 27</p> <p>1 Q And so in terms of the harms and letting people 2 know about the harms, is that your idea or is 3 that Mr. Bevan's idea? 4 MR. COREN: Objection. And 5 I'm going to instruct her not to extent -- not 6 to answer to the extent the answer relies upon 7 advice of counsel. 8 However, Ms. Holley, if you can answer 9 the question without incorporating or revealing 10 advice of counsel, please respond. 11 A I can't answer without revealing advice of 12 counsel. 13 Q Mr. Bevan gave you advice as to letting other 14 people know about the harms? 15 MR. COREN: Once again, 16 same instruction. To the extent your answer 17 relies upon advice of counsel, we instruct you 18 not to answer. If you can answer without 19 incorporating or revealing advice of counsel, 20 you can respond. 21 Q Can you answer? 22 A I cannot answer, because I believe that that's 23 attorney-client privilege. 24 Q Did you and Mr. Bevan -- withdrawn. 25 Did you and anybody discuss you receiving</p>	<p style="text-align: right;">Page 29</p> <p>1 MR. ASSAF: It's a fact. 2 Are you instructing her not to answer? 3 MR. COREN: No. I'm saying 4 if she has independent knowledge she could 5 answer. If she doesn't -- 6 MR. ASSAF: It's a fact. 7 Whether somebody's represented or not is a fact 8 that you put even on a privilege log. It's not 9 revealing advice of counsel. 10 A Repeat the question. 11 Q Sure. Do you have -- do you know whether the 12 other people at this meeting with Mr. Bevan 13 also had prior relationships with him for other 14 asbestos cases? 15 A I would not have that information. 16 Q Do you know who they were? 17 A I don't recall who they were. 18 Q Well, were they Kimberlee Williams? 19 A I know there are other plaintiffs, but I don't 20 know them personally. They were probably 21 identified at that meeting, but I don't 22 remember their names. 23 Q How long did this meeting occur? 24 A How long ago -- 25 Q Yeah.</p>

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<p style="text-align: right;">Page 30</p> <p>1 A -- or how long was the meeting?</p> <p>2 Q How long ago.</p> <p>3 A Several years.</p> <p>4 Q Before the filing of the complaint?</p> <p>5 A I believe the first meeting was before the</p> <p>6 filing of the complaint, but I can't state</p> <p>7 unequivocally.</p> <p>8 Q Was Mr. Placitella or anybody from</p> <p>9 Mr. Placitella's firm at that meeting?</p> <p>10 A Yes.</p> <p>11 Q Was Mr. Placitella there?</p> <p>12 A I don't recall.</p> <p>13 Q How long did the meeting take place? How long</p> <p>14 did it go?</p> <p>15 A About an hour or two.</p> <p>16 Q Without revealing what was said, did</p> <p>17 Mr. Placitella make a presentation at that</p> <p>18 case?</p> <p>19 A I don't know if it was him specifically, but</p> <p>20 someone from the law firm did.</p> <p>21 Q Made a presentation?</p> <p>22 A Right.</p> <p>23 Q Was it a PowerPoint presentation?</p> <p>24 A No, it was not.</p> <p>25 Q Did they show you documents?</p>	<p style="text-align: right;">Page 32</p> <p>1 attorneys?</p> <p>2 A They were personal notes for me. There was --</p> <p>3 there was nothing -- to the best of my</p> <p>4 knowledge, there was nothing in my notes to</p> <p>5 give to the attorney.</p> <p>6 Q Have your attorneys ever asked you for notes</p> <p>7 relating in any way to this case?</p> <p>8 A No, they have not.</p> <p>9 Q Really? They haven't asked you for any</p> <p>10 documents you have that relate to this</p> <p>11 complaint or the allegations in this case?</p> <p>12 A I'm not certain I understand your question.</p> <p>13 Q Okay. Have your attorneys come to you and</p> <p>14 said, "Ms. Holley, we'd like you to search your</p> <p>15 notes and files and computer to see whether</p> <p>16 there are any documents that relate to this</p> <p>17 case"? Have they asked you that in words or in</p> <p>18 substance?</p> <p>19 A I can't say for sure.</p> <p>20 Q Well, you've been around the litigation system</p> <p>21 for years in these asbestos cases, right?</p> <p>22 A Correct.</p> <p>23 Q And you generally follow your attorneys'</p> <p>24 advice, correct?</p> <p>25 A Correct.</p>
<p style="text-align: right;">Page 31</p> <p>1 A I don't believe there were documents.</p> <p>2 Q Was there anybody at the meeting who was not a</p> <p>3 class representative or an attorney</p> <p>4 representing the class?</p> <p>5 A I really couldn't say.</p> <p>6 Q Did you take notes of the meeting?</p> <p>7 A I took a few personal notes.</p> <p>8 Q And do you have those notes?</p> <p>9 A No, I do not.</p> <p>10 Q Where are they?</p> <p>11 A At home.</p> <p>12 MR. ASSAF: Have they been</p> <p>13 logged?</p> <p>14 MR. COREN: I don't know.</p> <p>15 MR. ASSAF: Pardon me?</p> <p>16 MR. COREN: I don't know.</p> <p>17 I can't tell you off the top of my head.</p> <p>18 A This was several years ago.</p> <p>19 Q Have you given them to your attorneys?</p> <p>20 A This was several years ago. As I said, I took</p> <p>21 a couple of personal notes.</p> <p>22 Q Okay.</p> <p>23 A That was it.</p> <p>24 Q Okay. And with respect to at least these</p> <p>25 personal notes, have you given them to your</p>	<p style="text-align: right;">Page 33</p> <p>1 Q And if your attorneys had asked you for</p> <p>2 documents, you would have told them about the</p> <p>3 documents, correct?</p> <p>4 A Personally, I can't think of any documents that</p> <p>5 they would have asked me for. The documents</p> <p>6 that I received were from the attorneys.</p> <p>7 Q Well, let's start with the notes that you took</p> <p>8 during the Bevan class rep meeting with</p> <p>9 Mr. Placitella. It's clear you haven't given</p> <p>10 those to the attorneys.</p> <p>11 A Clear.</p> <p>12 Q Okay.</p> <p>13 A True.</p> <p>14 Q And they haven't asked you for them?</p> <p>15 A No.</p> <p>16 Q So are there -- do you have a computer or a</p> <p>17 laptop?</p> <p>18 A Yes.</p> <p>19 Q And do you have emails on that?</p> <p>20 A Yes.</p> <p>21 Q Do you have emails regarding your</p> <p>22 communications with Mr. Bevan on that?</p> <p>23 A No.</p> <p>24 Q Do you have any communications on that</p> <p>25 regarding this case at all?</p>

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<p style="text-align: right;">Page 34</p> <p>1 A No.</p> <p>2 Q Do you have any communications with other class</p> <p>3 representatives?</p> <p>4 A No.</p> <p>5 Q Has anybody ever asked you to look at your</p> <p>6 computer for that information?</p> <p>7 A No.</p> <p>8 Q Do you get copies of the -- withdrawn.</p> <p>9 Without revealing what's said, are you</p> <p>10 kept up to date on what's happening in this</p> <p>11 case?</p> <p>12 A Yes.</p> <p>13 Q Do you know whether there were any settlement</p> <p>14 discussions in this case?</p> <p>15 A Yes.</p> <p>16 Q When were you told about settlement</p> <p>17 discussions?</p> <p>18 A I just know there were settlement discussions.</p> <p>19 I have no information on those particular</p> <p>20 discussions.</p> <p>21 Q Well, you were told about the economics, the</p> <p>22 terms, the money that was being offered,</p> <p>23 weren't you?</p> <p>24 A No.</p> <p>25 Q As a class representative, you weren't told how</p>	<p style="text-align: right;">Page 36</p> <p>1 A If there is a reasonable settlement offered, I</p> <p>2 do expect that.</p> <p>3 Q You expect to be informed of it, correct?</p> <p>4 A I expect to be informed.</p> <p>5 Q And whose decision would it be to accept the</p> <p>6 settlement offer for the class?</p> <p>7 MR. COREN: Objection as to</p> <p>8 form.</p> <p>9 A My attorneys.</p> <p>10 Q You mean Mr. Placitella and Mr. Coren would</p> <p>11 decide on how much money the class should get?</p> <p>12 A They would advise me.</p> <p>13 Q What about Mr. Bevan?</p> <p>14 A I'm -- I'm not sure in this matter. They're</p> <p>15 representing the class action, so I'm not</p> <p>16 certain how that's done. I can imagine that</p> <p>17 Attorney Bevan would be privy to it, but I</p> <p>18 don't know that for certain.</p> <p>19 Q But as we sit here today, you've never been</p> <p>20 informed that there was an opportunity to</p> <p>21 settle a case for some sum of money that you</p> <p>22 would receive, correct?</p> <p>23 A In some of the others.</p> <p>24 MR. COREN: Objection.</p> <p>25 Q Withdrawn.</p>
<p style="text-align: right;">Page 35</p> <p>1 much money was being offered to settle the</p> <p>2 case?</p> <p>3 A To settle this particular case?</p> <p>4 Q Yeah.</p> <p>5 A No.</p> <p>6 Q Interesting. As a class representative, do you</p> <p>7 think that you're entitled to know whether your</p> <p>8 attorneys are negotiating to settle the case</p> <p>9 for some sum of money?</p> <p>10 MR. COREN: Objection as to</p> <p>11 form.</p> <p>12 A I have always been advised of relevant</p> <p>13 settlements in regard to the defendants' end,</p> <p>14 my mom's asbestos case.</p> <p>15 Q Mr. Bevan always tells you that there's a</p> <p>16 defendant who's willing to pay \$10,000, for</p> <p>17 example, correct?</p> <p>18 A Correct.</p> <p>19 Q And then you decide --</p> <p>20 A I do receive that information.</p> <p>21 Q And then you decide whether to take that money,</p> <p>22 correct?</p> <p>23 A Yes.</p> <p>24 Q In this case do you expect the same thing to</p> <p>25 happen?</p>	<p style="text-align: right;">Page 37</p> <p>1 MR. COREN: Objection.</p> <p>2 A Okay.</p> <p>3 Q Leave aside the individual asbestos cases with</p> <p>4 Mr. Bevan, okay?</p> <p>5 A Okay. Okay.</p> <p>6 Q With respect to this case, the Williams case,</p> <p>7 as we sit here today, you've never been</p> <p>8 informed that there was a possibility to settle</p> <p>9 a case -- settle these cases at some sum of</p> <p>10 money and that you will receive some specific</p> <p>11 sum, correct?</p> <p>12 A I've only been advised that there have been</p> <p>13 some settlement discussions. No money was</p> <p>14 discussed.</p> <p>15 Q It was never --</p> <p>16 A With me.</p> <p>17 Q Okay. Well, you're the class representative.</p> <p>18 A Right. Right. Right.</p> <p>19 Q Other than you, is there anybody else --</p> <p>20 A Right.</p> <p>21 Q -- you think would be privy to these</p> <p>22 discussions?</p> <p>23 A I wouldn't know that.</p> <p>24 Q At the end of the day, do you think that</p> <p>25 Mr. Placitella and Mr. Bevan get to decide how</p>

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<p style="text-align: right;">Page 38</p> <p>1 much money the class should get?</p> <p>2 MR. COREN: Objection as to</p> <p>3 form.</p> <p>4 A Repeat that.</p> <p>5 Q Sure. In this class action, do you think the</p> <p>6 class representatives decide how much money the</p> <p>7 case should be settled for, if it's settled, or</p> <p>8 the attorneys, like Mr. Placitella, Mr. Coren,</p> <p>9 and Mr. Bevan?</p> <p>10 MR. COREN: Objection as to</p> <p>11 form.</p> <p>12 A I believe that our attorneys would advise us on</p> <p>13 that.</p> <p>14 Q Advise you on who makes the decision?</p> <p>15 A No. Advise on any settlements that have been</p> <p>16 offered and they feel as though they are</p> <p>17 settlements that we should take into</p> <p>18 consideration.</p> <p>19 Q And, for example, if somebody had offered</p> <p>20 you -- withdrawn.</p> <p>21 If a defendant or a group of defendants</p> <p>22 in this case had offered you, say, \$50,000 to</p> <p>23 settle the case, would you at least want to</p> <p>24 know about that?</p> <p>25 MR. COREN: Objection as to</p>	<p style="text-align: right;">Page 40</p> <p>1 A From Mr. Coren.</p> <p>2 Q Did you review those documents?</p> <p>3 A Yes, I did.</p> <p>4 Q Did they refresh your memory and help you</p> <p>5 remember things?</p> <p>6 A Basically they helped in just the review of the</p> <p>7 case itself.</p> <p>8 Q Were they documents relating to your mother's</p> <p>9 case?</p> <p>10 A Yes. Relating to this particular case.</p> <p>11 Q Were they documents relating to the Williams</p> <p>12 class action?</p> <p>13 A Yes.</p> <p>14 Q Could you estimate how many documents you got?</p> <p>15 Was it five, 10, 15, 20?</p> <p>16 A I know how many documents I received.</p> <p>17 Q Oh. How many?</p> <p>18 A It was -- there were three documents.</p> <p>19 Q And those documents helped you both prepare for</p> <p>20 today and refresh your memories as to the</p> <p>21 events, correct?</p> <p>22 A Yes.</p> <p>23 Q What three documents refreshed your memories as</p> <p>24 to the events?</p> <p>25 A The complaint, amended complaint, and the</p>
<p style="text-align: right;">Page 39</p> <p>1 form.</p> <p>2 A I consider that to be supposition. As I stated</p> <p>3 before, I understand in this particular matter</p> <p>4 that there had been some settlement</p> <p>5 discussions, but that was with -- that was the</p> <p>6 attorneys, the plaintiffs, and the defendants.</p> <p>7 As a class action member, I was not privy to</p> <p>8 that.</p> <p>9 Q And as a class representative you were not</p> <p>10 privy to those discussions, correct?</p> <p>11 A No, not to those particular discussions.</p> <p>12 Q And so -- withdrawn.</p> <p>13 As we sit here today, do you have any</p> <p>14 knowledge of whether you had an ability last</p> <p>15 summer to get a specific sum of money to settle</p> <p>16 the case?</p> <p>17 A I have no knowledge of that.</p> <p>18 MR. COREN: Form objection.</p> <p>19 I'm sorry, I'm a little slow on the draw.</p> <p>20 Q In meeting with Mr. Coren yesterday, was there</p> <p>21 anybody else present in the room?</p> <p>22 A No.</p> <p>23 Q And did he show you any documents?</p> <p>24 A I had already received documents.</p> <p>25 Q From whom?</p>	<p style="text-align: right;">Page 41</p> <p>1 judge's -- the judge's opinion.</p> <p>2 Q So the pleadings with the allegations in this</p> <p>3 case and the Court of Appeals' decisions --</p> <p>4 A Correct.</p> <p>5 Q -- are what you reviewed to prepare you for</p> <p>6 today's deposition?</p> <p>7 A That along with the meeting with Mr. Coren.</p> <p>8 Q And were any other documents shown to you?</p> <p>9 MR. COREN: Asked and</p> <p>10 answered.</p> <p>11 Q Other than those three.</p> <p>12 A Not at this time. I had received documents</p> <p>13 before.</p> <p>14 Q In preparation for your deposition or just as a</p> <p>15 class representative?</p> <p>16 A These -- the documents I reviewed were for</p> <p>17 preparation of this deposition.</p> <p>18 Q The three documents you reviewed?</p> <p>19 A Those three documents.</p> <p>20 Q Okay. Did you review any other documents in</p> <p>21 preparation for your deposition?</p> <p>22 A No, I did not.</p> <p>23 Q Okay. In terms of your role as class</p> <p>24 representative, do you believe that other class</p> <p>25 members are interested in receiving money for</p>

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<p style="text-align: right;">Page 42</p> <p>1 alleged injuries?</p> <p>2 MR. COREN: Objection as to</p> <p>3 form.</p> <p>4 A Do I believe that other --</p> <p>5 Q Class members --</p> <p>6 A -- class members --</p> <p>7 Q -- want money.</p> <p>8 A I'd say yes.</p> <p>9 Q Okay. In terms of, say, things that aren't</p> <p>10 money, all right, instead of money, whatever</p> <p>11 else, say an apology, do you think other class</p> <p>12 members would prefer money or an apology?</p> <p>13 MR. COREN: Objection as to</p> <p>14 form.</p> <p>15 A I couldn't say what they would prefer.</p> <p>16 Q What about you?</p> <p>17 A I think I've already stated it, what I -- what</p> <p>18 my expectation is.</p> <p>19 Q Money?</p> <p>20 A Monetary compensation and admission of</p> <p>21 fraudulent representation.</p> <p>22 Q Admission of fraudulent representation.</p> <p>23 The admission of fraudulent</p> <p>24 representation, we talked about that earlier,</p> <p>25 that's what --</p>	<p style="text-align: right;">Page 44</p> <p>1 MR. COREN: Objection to</p> <p>2 form.</p> <p>3 A And I don't know exactly what you mean by</p> <p>4 "class members who were not injured." Why</p> <p>5 would they be class members?</p> <p>6 Q Okay. Good question.</p> <p>7 So if somebody, let's say, actually</p> <p>8 didn't have exposure to Emtal talc and yet</p> <p>9 filed a complaint against Emtal and had it</p> <p>10 dismissed, do you think they should get money?</p> <p>11 MR. COREN: Objection as to</p> <p>12 form.</p> <p>13 A And had it dismissed?</p> <p>14 Q Yeah. Even though they had never worked with</p> <p>15 Emtal talc.</p> <p>16 A Why would they be a party to the class if they</p> <p>17 had never worked for -- if they had never been</p> <p>18 exposed to or harmed?</p> <p>19 Q Well, your -- you mentioned earlier you had</p> <p>20 filed a complaint against dozens of companies,</p> <p>21 correct?</p> <p>22 A Other companies, correct.</p> <p>23 Q And do you know whether all of them actually</p> <p>24 had asbestos that your mother was exposed to?</p> <p>25 A No, I would not. I would not know that.</p>
<p style="text-align: right;">Page 43</p> <p>1 A Right.</p> <p>2 Q -- Mr. Bevan knows about, not you, right?</p> <p>3 A I know about it through Mr. Bevan.</p> <p>4 Q You know -- anything you know, you know about</p> <p>5 it through Mr. Bevan, fair?</p> <p>6 A Mr. Bevan and Mr. Coren.</p> <p>7 Q Anything you know about the alleged fraudulent</p> <p>8 misrepresentation you know either through</p> <p>9 Mr. Bevan or Mr. Coren?</p> <p>10 A Through the attorneys, yes.</p> <p>11 Q All right. Do you think that members of the</p> <p>12 class should get money if they were not harmed?</p> <p>13 MR. COREN: Form objection.</p> <p>14 You can respond.</p> <p>15 THE WITNESS: Did you say I</p> <p>16 could respond?</p> <p>17 MR. COREN: Yes. Yes.</p> <p>18 A Actually, I don't think I would be able to</p> <p>19 answer that question. Because you're talking</p> <p>20 about expectations of other people, right?</p> <p>21 Q Well, I'm talking about your role as class</p> <p>22 representative in approving or I guess hearing</p> <p>23 about a settlement from your attorneys.</p> <p>24 Do you expect that class members who were</p> <p>25 not injured should get money?</p>	<p style="text-align: right;">Page 45</p> <p>1 Q And if you found out later that one of the</p> <p>2 companies was listed as a defendant but</p> <p>3 actually didn't have any product at the place</p> <p>4 where your mother worked, would you want money</p> <p>5 from them?</p> <p>6 A Wouldn't that be a legal issue?</p> <p>7 Q Well, I think it's actually just a matter of</p> <p>8 ethics, isn't it?</p> <p>9 MR. COREN: Objection as to</p> <p>10 form.</p> <p>11 A I don't think it's anything that I can answer.</p> <p>12 If you repeat the question --</p> <p>13 Q Sure.</p> <p>14 A -- and I get a better understanding, maybe I</p> <p>15 can answer you.</p> <p>16 Q If you found out that there's a lawsuit against</p> <p>17 the company and the company actually didn't</p> <p>18 have any products with asbestos that your</p> <p>19 mother was exposed to, they were named by</p> <p>20 mistake, do you think that company still owes</p> <p>21 you or your estate money?</p> <p>22 A Where the company's still in the lawsuit or</p> <p>23 were they dismissed?</p> <p>24 Q Let's say they're still in the lawsuit.</p> <p>25 A I still -- I don't think it's anything that I</p>

<p>Page 46</p> <p>1 can answer.</p> <p>2 Q Well, let's say they were dismissed.</p> <p>3 A Not based upon the way that you presented it.</p> <p>4 Q Do you think that any company that's sued in an</p> <p>5 asbestos case needs to pay money to the</p> <p>6 plaintiff?</p> <p>7 A Isn't that speculation?</p> <p>8 Q You can answer the question.</p> <p>9 A I don't see how I could answer that question.</p> <p>10 I don't see how -- why I should answer that</p> <p>11 question, because you're talking about other</p> <p>12 people and I think you're bringing up legal</p> <p>13 issues. And I'm not -- I'm not qualified to</p> <p>14 answer that.</p> <p>15 Q If you found out in this case --</p> <p>16 A Okay.</p> <p>17 Q -- that your mother was not ever exposed to</p> <p>18 Emtal talc, do you think you should still get</p> <p>19 money in this case?</p> <p>20 A I don't think we'll find that out.</p> <p>21 Q Why --</p> <p>22 A She was exposed to Emtal talc.</p> <p>23 Q And you know that through Mr. Bevan?</p> <p>24 A Yes.</p> <p>25 Q Well, if Mr. Bevan's wrong for some reason and</p>	<p>Page 48</p> <p>1 A I cannot answer that question.</p> <p>2 Q You don't understand that concept?</p> <p>3 A It's not a matter of not understanding the</p> <p>4 concept, it's a matter of what are you really</p> <p>5 asking me to answer?</p> <p>6 Q I'm asking if you found out a company did</p> <p>7 nothing wrong and you sued them any way, would</p> <p>8 you let them out of the lawsuit?</p> <p>9 A I guess what stops me in this question, when</p> <p>10 you start off with "if." So to me that's</p> <p>11 speculative. I don't know how to answer that.</p> <p>12 Q Well, the "if" has to do with proof that the</p> <p>13 company did not have any asbestos that your</p> <p>14 mother was exposed to. That's the "if."</p> <p>15 A You said if there were other companies that</p> <p>16 were claimed to have asbestos --</p> <p>17 Q Withdrawn.</p> <p>18 A -- were not -- yeah --</p> <p>19 Q Withdrawn.</p> <p>20 A -- because I'm not understanding --</p> <p>21 Q Okay.</p> <p>22 A -- that question.</p> <p>23 Q Fair enough.</p> <p>24 A Okay.</p> <p>25 Q Withdrawn.</p>
<p>Page 47</p> <p>1 I am able to show you Mr. Bevan is wrong, will</p> <p>2 you still want money in this case?</p> <p>3 A I think that's speculative. I don't see how I</p> <p>4 could answer a question based upon</p> <p>5 probabilities. Now, if you ask me a question</p> <p>6 based upon something in this particular case,</p> <p>7 yes, but I'm not understanding that question as</p> <p>8 my being able to give you a substantive answer.</p> <p>9 If you repeat it or if you phrase it a</p> <p>10 different way, maybe, but based upon the way</p> <p>11 that you put the question, I don't see how I</p> <p>12 can answer that.</p> <p>13 Q You've been involved in numerous lawsuits</p> <p>14 against asbestos companies, true?</p> <p>15 A Yes. Since the death of my mom.</p> <p>16 Q Okay.</p> <p>17 A Uh-huh.</p> <p>18 Q Dozens of them, correct?</p> <p>19 A Correct.</p> <p>20 Q Okay. And based upon your experience in dozens</p> <p>21 of asbestos cases, do you think that you should</p> <p>22 receive money even if you later learn that the</p> <p>23 company that you sued did nothing wrong?</p> <p>24 A I can't --</p> <p>25 MR. COREN: Form objection.</p>	<p>Page 49</p> <p>1 A Okay.</p> <p>2 Q Do you know whether you've ever dismissed a</p> <p>3 company from any of your dozens of lawsuits</p> <p>4 without taking any money?</p> <p>5 MR. COREN: Objection as to</p> <p>6 form.</p> <p>7 A I can't recall. I really -- I can't recall.</p> <p>8 There are a number of defendants, so I</p> <p>9 really -- I cannot recall.</p> <p>10 Q Can you think of any reason why you would allow</p> <p>11 a company out of a lawsuit without paying</p> <p>12 money?</p> <p>13 A I would -- I would actually expect my attorney</p> <p>14 to handle that.</p> <p>15 Q Here's what I'm trying to get at --</p> <p>16 A Please.</p> <p>17 Q -- Ms. Holley. And it's not a legal question,</p> <p>18 it's actually just a basic fairness question.</p> <p>19 A Okay.</p> <p>20 Q If you found out you sued a company that wasn't</p> <p>21 responsible for any harm to you, would you</p> <p>22 still want them to pay you money? Can you</p> <p>23 answer that question "yes" or "no"?</p> <p>24 A I would rely on advice of counsel.</p> <p>25 Q Okay. Without -- you can't answer the question</p>

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<p style="text-align: right;">Page 50</p> <p>1 of whether you expect money from companies even 2 though they did nothing wrong without talking 3 to your attorneys? You need to talk to your 4 attorneys about that question? 5 A I don't need to talk to my attorneys about that 6 question, but in my mind, in my way of 7 thinking, the way you are phrasing the 8 question, it doesn't seem to me that it's a 9 question I can answer. Do you want to repeat 10 it again? 11 Q Sure. 12 A Okay. Please do. 13 Q Do you think it's fair for people to get money 14 if they were not harmed? 15 A No, I don't think that's fair. 16 Q Okay. And if when a person -- withdrawn. 17 When a person files a lawsuit against a 18 company that actually never harmed the person, 19 do you think that company should pay the person 20 money? 21 A I'm still not understanding the basis of your 22 question. 23 Q The basis is that you've sued somebody who did 24 nothing wrong and you want them to pay you 25 money.</p>	<p style="text-align: right;">Page 52</p> <p>1 A Yes, I would have. 2 Q And how would you have gotten that document? 3 A Through Mr. Bevan. 4 Q By email? 5 A Hard copy. 6 Q Do you still have it? 7 A Probably. 8 Q You have files regarding your -- 9 A Right. 10 Q -- Bevan cases at -- 11 A Right. 12 Q -- home, don't you? 13 A Right. 14 Q And when I asked you earlier about whether you 15 looked for documents -- withdrawn. 16 When I asked you earlier about whether 17 your attorneys asked you to look for documents, 18 did your attorneys ask you to look for 19 documents in your Bevan files at home? 20 A No, they did not. 21 Q Okay. 22 MR. ASSAF: Interesting 23 approach. 24 Q Okay. Paragraph 25, could you turn to that, 25 please?</p>
<p style="text-align: right;">Page 51</p> <p>1 A No. 2 Q Do you think that's fair? 3 A No, it would not be fair. 4 Q Is that something you would want to do? 5 A In terms of what would I want to do? 6 Q Take money from a company that actually didn't 7 cause you any harm. 8 A First of all, I would not expect my attorneys 9 to file against a company or persons that did 10 not do me harm. That's my first inclination. 11 Q Okay. So as far as you know, Mr. Bevan hasn't 12 filed against companies that he knew were 13 uninvolved with your mother, correct? 14 A To the best of my knowledge. 15 Q Okay. Let's get out the complaint, D Ex. 1. 16 (Defendants' Exhibit 1 was marked.) 17 Q I'm showing you what's been marked D Ex. 1. 18 This is the second amended complaint, and I 19 think you mentioned earlier that you had 20 reviewed this as one of the three documents you 21 reviewed in preparation for your deposition. 22 Do you recognize this document? 23 A Yes. 24 Q By the way, did you review this document before 25 it was initially filed?</p>	<p style="text-align: right;">Page 53</p> <p>1 A Uh-huh. I'm not there yet. 2 Q Okay. 3 A Okay. 4 Q Paragraph 25. I'd like to talk to you about 5 the first sentence. "On or about November 14, 6 2000, Plaintiff Holley's decedent, Kathryn 7 Damell, while alive, commenced an asbestos 8 injury lawsuit in the Court of Common Pleas, 9 Cuyahoga County, against BASF's predecessor, 10 Eastern Magnesia, naming same as a defendant in 11 accordance with the accepted asbestos practice 12 in that area in view of settlement programs 13 that potentially responsible product 14 manufacturers or suppliers were negotiating or 15 had developed." 16 Do you see that? 17 A Yes. 18 Q What is the "accepted asbestos practice in that 19 area in view of settlement programs that 20 potentially responsible product manufacturers 21 or suppliers were negotiating or had 22 developed"? 23 MR. COREN: Ms. Holley, I 24 instruct you not to answer to the extent your 25 answer relies upon advice of counsel. If you</p>

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<p style="text-align: right;">Page 54</p> <p>1 could answer the question without incorporating 2 or revealing advice of counsel, please answer. 3 Q Okay. Ms. Holley, going forward, any question 4 I ask you that you have to reveal advice of 5 counsel you should pause and say I would need 6 to -- advice of counsel, otherwise Mr. Coren 7 will continue to interrupt and try to prompt 8 you not to answer questions like that -- 9 MR. COREN: Objection. 10 Q --okay? 11 MR. COREN: I'm stating 12 an -- 13 Q So -- 14 MR. COREN: -- objection 15 for the record and I'll continue to state an 16 objection for the record. 17 Q Ms. Holley, what does that sentence mean to 18 you? 19 MR. COREN: Once again my 20 same instruction. 21 A What it means to me is that on or about that 22 date that a lawsuit was filed against BASF's 23 predecessor, Eastern Magnesia. 24 Q We're actually focused on the second part, I 25 apologize.</p>	<p style="text-align: right;">Page 56</p> <p>1 understand paragraph 25, could you explain to 2 me what the accepted asbestos practice was 3 that's referenced in paragraph 25? 4 MR. COREN: And once again 5 I instruct you not to answer to the extent your 6 answer relies upon advice of counsel. If you 7 can answer it without incorporating or 8 revealing advice of counsel, please respond. 9 A The particular -- the particular words that you 10 are pointing out in referring to "Eastern 11 Magnesia, naming same as a defendant in 12 accordance with the accepted asbestos practice 13 in that area," I believe that my attorney would 14 have made that decision. I personally would 15 not know what the accepted practice is in our 16 area. 17 Q So that first sentence in paragraph 25 18 regarding the accepted asbestos practice for 19 settlement programs that were either being 20 negotiated or developed, Mr. Bevan would be the 21 person who has knowledge of that? 22 A Well, the paragraph starts off: On or about 23 November 14, 2000, my mom, Kathryn Damell, 24 commenced an asbestos injury lawsuit. She was 25 the one who dealt with her attorney, Tom Bevan,</p>
<p style="text-align: right;">Page 55</p> <p>1 A Okay. 2 Q The second part, what are -- what were -- 3 what's the accepted asbestos practice in 4 Cuyahoga County of a settlement program where 5 potentially responsible product manufacturers 6 were negotiating or had developed? What does 7 that mean? 8 A I have no knowledge of what that means. 9 Q Well, you reviewed it in the complaint under 10 the paragraph that talks about your claims, 11 correct? 12 A Okay. 13 MR. COREN: And, once 14 again, my same instruction applies. 15 Q You just mentioned you reviewed the complaint 16 before filing, correct? 17 A Yes. 18 Q And this is a paragraph about your underlying 19 lawsuit and Mr. Bevan and your mother's 20 lawsuits, correct? 21 A Correct. 22 Q So you would have read this carefully, correct, 23 and wanted to understand it? 24 A Correct. I do understand it. 25 Q Okay. And so could you -- since you do</p>	<p style="text-align: right;">Page 57</p> <p>1 regarding this particular lawsuit. I am not 2 privy to that information. 3 Q Okay. 4 A I was not at that meeting. 5 Q You don't have any facts about the first 6 sentence of paragraph 25 and the person who 7 does have the facts would be Mr. Bevan? 8 A The person who does have the facts would be 9 Mr. Bevan, as indicated on November 14, that 10 Kathryn Damell, while alive, commenced. So 11 that would have been between my mother and 12 Attorney Bevan. And I was not a party to any 13 conferences or meetings to develop this 14 particular lawsuit. 15 Q And so if I wanted to know what's meant by the 16 accepted asbestos practice in Cuyahoga County 17 for settlement program, I would be best to talk 18 to Mr. Bevan, fair? 19 A Or review the accepted practices. 20 Q But in terms of this complaint, you have, and 21 as -- withdrawn. 22 As a class representative, in paragraph 23 25 can you refer me to anybody whom I could 24 talk to to get answers about paragraph 25? 25 A Okay. The lawsuit was brought in the Common</p>

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<p style="text-align: right;">Page 58</p> <p>1 Pleas Court of Cuyahoga County and it says in 2 accordance with the accepted asbestos 3 practices. So I don't understand how I would 4 even be able to answer that question, really. 5 Q And let's step back. 6 A Okay. 7 Q When you reviewed the complaint, did you have 8 any questions about what that meant? 9 A This particular complaint was done by Attorney 10 Bevan with meetings with my mother. 11 Q Withdrawn. 12 With respect to reviewing the Williams 13 complaint, the second complaint that's in 14 front -- 15 A Right. 16 Q -- of you. 17 A Right. 18 Q When you read it for the first time, did you 19 have any questions about what that meant? 20 A No. No, I did not. 21 Q Did you review the complaint for accuracy? 22 A Yes, however, I don't see anything that I would 23 question in this particular paragraph. 24 Q Well, you just -- withdrawn. 25 You don't know what -- the accepted</p>	<p style="text-align: right;">Page 60</p> <p>1 Q And as a class representative, could you point 2 me to the person who would know anything about 3 those practices as referenced in the complaint? 4 MR. COREN: Objection to 5 the form. 6 Q Could I talk to Mr. Bevan? Would he be a 7 better person to talk to? 8 A Yes. Because I consider accepted practices to 9 be an issue that the attorneys would know 10 about, not an issue that I would know about 11 personally. 12 Q So it's something -- 13 A In spite of reviewing -- I review the complaint 14 based upon -- based upon facts that I know of. 15 The legal issues I rely on the attorneys. I 16 consider that to be a legal issue when you say 17 "accepted practices." How would I know about 18 accepted practices as a layperson? 19 Q That would be Mr. Bevan? 20 A Right. 21 Q Okay. And turn to the next sentence. It says, 22 "reasonably relying upon and acting upon the 23 misrepresentations and material omissions of 24 Defendants regarding Engelhard's talc products 25 and the absence of any evidence indicating</p>
<p style="text-align: right;">Page 59</p> <p>1 asbestos practices for settlements in Cuyahoga 2 County, do you? 3 A No, I don't know the accepted in Cuyahoga 4 County. 5 Q And if I wanted to find out from anybody 6 involved in this case, do you think Mr. Bevan 7 might be the person to talk to? Or somebody 8 else? 9 A You're talking about the complaint filed in 10 2000? 11 Q No. I'm talking about that -- who -- this -- 12 withdrawn. 13 Paragraph 25 -- 14 A Okay. 15 Q -- in your complaint against my client says 16 that there's an accepted asbestos practice in 17 Cuyahoga County for settlement programs. You 18 say you don't know anything about that, 19 correct? 20 A About what, the accepted practices? 21 Q Yes. 22 A To the best of my knowledge and understanding 23 based upon your question, I don't know why I 24 personally would know about accepted practices 25 in Cuyahoga County.</p>	<p style="text-align: right;">Page 61</p> <p>1 Engelhard's talc contained asbestos fibers that 2 were made to her attorney and representative, 3 Thomas Bevan, as set forth more particularly 4 herein." 5 Do you see that? 6 A Yes. 7 Q I think you mentioned earlier that the alleged 8 representations were made to or known about by 9 Mr. Bevan, not you, correct? 10 A That would be correct. 11 Q So if I want to ask somebody about that 12 sentence, I would have to ask Mr. Bevan, 13 correct? 14 A Yes. It says, "that were made to her attorney 15 and representative, Thomas Bevan." 16 Q And then going to the next sentence, it says, 17 "Plaintiff voluntarily dismissed her lawsuit 18 against Eastern Magnesia as part of a nominal 19 settlement with a group of talc supplier 20 defendants without receiving full, fair and 21 adequate compensation for her asbestos injury 22 claims against BASF's predecessors." 23 Do you know anything about that sentence 24 and the facts underlying it? 25 A That my mom accepted settlement based upon the</p>

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<p style="text-align: right;">Page 62</p> <p>1 facts that her attorneys had at that time. 2 Q And you know about that through Mr. Bevan, 3 correct? 4 A Yes, I do. 5 Q Other than what you know from Mr. Bevan, you 6 don't have any personal knowledge? 7 A I have no personal knowledge. 8 Q Turning to the next page, still paragraph 25. 9 "Plaintiff Holley did not know and learn that 10 her decedent was a victim of Defendants' 11 Fraudulent Asbestos Defense Scheme until late 12 2010/early 2011, when she was informed of the 13 same by her attorney, Tom Bevan." 14 Do you see that? 15 A Yes. 16 Q Do you have any papers, documents, emails, that 17 could put a more specific date on when 18 Mr. Bevan informed you of this fraudulent 19 asbestos defense scheme? 20 A To the best of my recollection, it was late 21 2010, early 2011 when I met with -- when I met 22 at Attorney Bevan's office. 23 Q Okay. And was that the same meeting 24 Mr. Placitella was at? 25 A Yes.</p>	<p style="text-align: right;">Page 64</p> <p>1 A Yes. 2 Q Were there people who weren't class 3 representatives at the meeting? 4 A I would not know that. 5 Q Okay. After -- withdrawn. 6 After that first meeting, were there 7 other meetings where people attended who were 8 not class reps or attorneys? 9 A Not that I can recall. I won't say 10 unequivocally, but not that I can recall. 11 Q And at this first meeting, did Mr. Placitella 12 in words or in substance, or any of his 13 colleagues, tell you to make sure you 14 maintained all of your documents relating to 15 the underlying Bevan cases against Emtal? 16 A No, I was not specifically told that. 17 Q Were you ever told that? 18 A Not specifically, no. 19 Q Turning to the next sentence of paragraph 25. 20 "Had Plaintiff's counsel and Plaintiff known 21 about the existence of spoliation described 22 more particularly herein and/or the existence 23 of evidence that BASF's talc and talc products 24 contained asbestos, the settlement demand would 25 have been higher and/or the Plaintiff would</p>
<p style="text-align: right;">Page 63</p> <p>1 Q So the first time you heard of this alleged 2 scheme and filing a class action complaint was 3 a meeting with Mr. Bevan and Mr. Placitella 4 that lasted about two hours at Mr. Bevan's 5 office? 6 A One or two hours. And let me -- let me 7 clarify. It was -- Mr. Coren was there. 8 Q And Mr. Coren too? 9 A Uh-huh. Yeah. 10 Q And after that the complaint was filed? 11 A Sometime after that. I don't remember exactly 12 when, but sometime after that meeting the 13 complaint was filed. 14 Q Did you have any other meetings between that 15 first meeting and the time the complaint was 16 filed? 17 A I can't recall for sure. I know that there 18 were at least one or two more meetings, but I 19 can't say specifically if they were before or 20 after the complaint was filed. 21 Q And at any of those meetings were there people 22 besides your attorneys or other class 23 representatives? 24 A At the first meeting for sure. 25 Q The other class reps were at the meeting?</p>	<p style="text-align: right;">Page 65</p> <p>1 have taken her case to trial." 2 Do you see that? 3 A Yes. 4 Q Do you have any knowledge of the facts 5 surrounding the settlement demand and whether 6 you would have taken the case to trial or is 7 that a Mr. Bevan topic as well? 8 A I have no personal knowledge of that, no. 9 Q And it says here plaintiffs would have taken 10 the case to trial. 11 Do you see that? 12 A Yes. 13 Q Out of the 98 or so cases -- withdrawn. 14 Out of the 98 or so defendants that 15 you've sued, have any of those cases gone to 16 trial? 17 A We did not go -- 18 MR. COREN: Form objection. 19 You can answer it. 20 THE WITNESS: Okay. 21 A We did not go to trial. 22 Q In any of them? 23 A We did not go to trial. 24 Q But Mr. Bevan would know whether this was the 25 case that you were going to take to trial?</p>

<p style="text-align: right;">Page 66</p> <p>1 He's the person I should ask?</p> <p>2 A He would know that. I specifically personally</p> <p>3 recall that BFGoodrich defendant settled within</p> <p>4 a week before the trial date.</p> <p>5 Q And then the next sentence says, "Plaintiff is</p> <p>6 willing and offers to return the portion of the</p> <p>7 settlement contributed by BASF, or such amount</p> <p>8 the Court deems fair and just, in order to be</p> <p>9 restored to the status quo ante the settlement</p> <p>10 with BASF."</p> <p>11 So the plaintiff, that's you, correct?</p> <p>12 A Correct.</p> <p>13 Q And that means you're willing to return the</p> <p>14 money you've already gotten from BASF or</p> <p>15 Engelhard?</p> <p>16 A If I'm not mistaken in the way I read this</p> <p>17 paragraph, the money would have been returned</p> <p>18 if there had not been a problem with BASF.</p> <p>19 Q Do you know how much money you or the estate</p> <p>20 received from BASF or Engelhard?</p> <p>21 A I don't know. I don't remember the amount. I</p> <p>22 don't remember.</p> <p>23 Q Okay. In settling these cases -- by the way,</p> <p>24 you've dealt with various settlements of people</p> <p>25 who had asbestos, correct?</p>	<p style="text-align: right;">Page 68</p> <p>1 you --</p> <p>2 A Mr. Bevan doesn't have emails to me.</p> <p>3 Q Okay.</p> <p>4 A Not specifically, no.</p> <p>5 Q Generally?</p> <p>6 A No, not generally. No.</p> <p>7 Q All right.</p> <p>8 A No. We either met or I received copies from</p> <p>9 his office.</p> <p>10 Q And then in terms of these various documents</p> <p>11 for your underlying asbestos cases since 2001,</p> <p>12 have you ever discarded or destroyed any of</p> <p>13 them?</p> <p>14 A No.</p> <p>15 Q So you still have them all?</p> <p>16 A Yes.</p> <p>17 Q Could you describe for me what those files look</p> <p>18 like? Is it 6 inches, is it a couple boxes?</p> <p>19 A It's a lot of paper. It's quite a bit, but I</p> <p>20 could not give you a general idea because there</p> <p>21 were a number of documents having been received</p> <p>22 at various times. I did not receive all of the</p> <p>23 documents at one time. Okay.</p> <p>24 Q But you have some sort of file system?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 67</p> <p>1 A Correct.</p> <p>2 Q And have you dealt with defendants who didn't</p> <p>3 have asbestos?</p> <p>4 A I can't recall.</p> <p>5 Q By the way, with respect to -- withdrawn.</p> <p>6 You've been acting as a representative</p> <p>7 for your mother's estate since 2000 in these</p> <p>8 asbestos cases?</p> <p>9 A No. No. 2000 was prior to her death.</p> <p>10 Q Okay.</p> <p>11 A Okay. She passed June 7, 2001.</p> <p>12 Q Correct.</p> <p>13 A Okay.</p> <p>14 Q So since that time you've been responsible for</p> <p>15 handling the asbestos cases?</p> <p>16 A Since that time -- in 2001 we did open up an</p> <p>17 estate with the local Probate Court.</p> <p>18 Q And you mentioned before that you've received</p> <p>19 hard copies of documents from Mr. Bevan?</p> <p>20 A Correct.</p> <p>21 Q And you say you haven't received any emails</p> <p>22 from Mr. Bevan?</p> <p>23 A No. We usually deal with the documents</p> <p>24 themselves via hard copy.</p> <p>25 Q Okay. So Mr. -- if Mr. Bevan has emails to</p>	<p style="text-align: right;">Page 69</p> <p>1 Q Okay.</p> <p>2 A From receiving documents from the office, yes.</p> <p>3 Q And then these notes we referenced before of</p> <p>4 your meetings with other class representatives,</p> <p>5 would those notes be in the same file system?</p> <p>6 A And I'm not even sure of that. I mean, they</p> <p>7 were just some cursory notes that I made, yeah.</p> <p>8 Not putting down facts or anything, but</p> <p>9 basically the date of the meeting, who -- maybe</p> <p>10 who was there and how long it took, but not any</p> <p>11 extensive notes, no.</p> <p>12 Q Well, whether they're extensive or not, these</p> <p>13 notes, are they in the same file system as your</p> <p>14 Bevan litigation files?</p> <p>15 A Pretty much, yes.</p> <p>16 Q And in order to find out whether the notes are</p> <p>17 extensive or not and whether they have actual</p> <p>18 facts that might be relevant to the case, we</p> <p>19 wouldn't know actually until an attorney</p> <p>20 reviewed them, correct?</p> <p>21 A Correct.</p> <p>22 Q And Mr. Placitella and Mr. Coren haven't asked</p> <p>23 to review them, correct?</p> <p>24 A No. No.</p> <p>25 Q Could I ask you just -- I know you'll do this</p>

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<p style="text-align: right;">Page 70</p> <p>1 any way, but please don't discard them. Keep</p> <p>2 hold of them, okay?</p> <p>3 A Well, I keep all the --</p> <p>4 Q Because I think -- I think --</p> <p>5 A I keep the material I receive.</p> <p>6 Q Good. I think they're going to ask you now to</p> <p>7 review them.</p> <p>8 A Okay.</p> <p>9 Q Okay. I might be wrong on that, but I think</p> <p>10 I'm right.</p> <p>11 Okay. Let's go to paragraph 228 of the</p> <p>12 complaint. I'm going to ask you about 228 to</p> <p>13 230.</p> <p>14 A Okay.</p> <p>15 Q So if you take a minute and review those.</p> <p>16 A Okay. 228 to 230?</p> <p>17 Q Yes, ma'am.</p> <p>18 Okay.</p> <p>19 A Okay.</p> <p>20 Q All right. So in paragraph 228, and then I'm</p> <p>21 going to continue on to 230, there's the phrase</p> <p>22 in the first sentence, "When negotiating these</p> <p>23 aggregate settlements and deciding to recommend</p> <p>24 and obtain its clients' consent and</p> <p>25 authorization to participate in them, the Bevan</p>	<p style="text-align: right;">Page 72</p> <p>1 extent your answer relies upon advice of</p> <p>2 counsel. If you can answer the question</p> <p>3 without incorporating or revealing advice of</p> <p>4 counsel, please respond to Mr. Assaf's</p> <p>5 question.</p> <p>6 Q And to be clear, Ms. Holley, I'm asking you yes</p> <p>7 or no do you know what that means.</p> <p>8 MR. ASSAF: And, Mr. Coren,</p> <p>9 I'd ask you to stop coaching and suggesting</p> <p>10 answers to the witness.</p> <p>11 MR. COREN: I'm not</p> <p>12 coaching. I'm putting an objection on the</p> <p>13 record.</p> <p>14 Q Do you know what the term "aggregate</p> <p>15 settlement" means?</p> <p>16 A I believe I do.</p> <p>17 Q Okay. What is it?</p> <p>18 A That it would be the collective group of</p> <p>19 settlements.</p> <p>20 Q So with other plaintiffs?</p> <p>21 A With other plaintiffs.</p> <p>22 Q And have you participated in aggregate</p> <p>23 settlements?</p> <p>24 A Participated in what way?</p> <p>25 Q Have you settled as part of an aggregate</p>
<p style="text-align: right;">Page 71</p> <p>1 Law Firm reasonably relied upon Cahill Gordon's</p> <p>2 and BASF's (or its predecessors)</p> <p>3 representations" and it continues.</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q Based upon your experience with Mr. Bevan and</p> <p>7 over the last 15 years of asbestos litigation</p> <p>8 with 98 or so defendants, do you have any</p> <p>9 understanding of what the phrase "aggregate</p> <p>10 settlement" means?</p> <p>11 MR. COREN: And,</p> <p>12 Mrs. Holley, once again I need to instruct</p> <p>13 you --</p> <p>14 MR. ASSAF: Oh, please.</p> <p>15 Michael.</p> <p>16 MR. COREN: Stop it.</p> <p>17 MR. ASSAF: No. This is</p> <p>18 not -- there's no advice to go here. I'm</p> <p>19 asking her if she knows what it means. It's a</p> <p>20 yes or no question. There's no legal advice</p> <p>21 that can conceivably impact this answer.</p> <p>22 MR. COREN: Well, you and I</p> <p>23 seem to have a disagreement, Gene, on putting</p> <p>24 my objection on the record.</p> <p>25 I instruct you not to answer to the</p>	<p style="text-align: right;">Page 73</p> <p>1 settlement?</p> <p>2 A Yes.</p> <p>3 Q And did you -- withdrawn.</p> <p>4 And has Mr. Bevan represented you in</p> <p>5 these aggregate settlements?</p> <p>6 A Yes.</p> <p>7 Q Now, if you turn to paragraph 230, at the very</p> <p>8 bottom of the page, it says, "Correspondingly."</p> <p>9 Do you see it at the bottom right?</p> <p>10 A Uh-huh.</p> <p>11 Q "Correspondingly, the Bevan Law Firm asbestos</p> <p>12 injury clients, including Plaintiff Pease,</p> <p>13 Plaintiff Holley's decedent, Ms. Darnell, and</p> <p>14 Plaintiff Ware, as well as others similarly</p> <p>15 situated to them, would not have given their</p> <p>16 consent or authorization to participate in an</p> <p>17 aggregate settlement with BASF."</p> <p>18 Do you see that?</p> <p>19 A Yes.</p> <p>20 Q Do you have any knowledge of whether or not you</p> <p>21 would have given authorization to participate</p> <p>22 in a settlement with BASF?</p> <p>23 A I have no knowledge of that.</p> <p>24 Q If I wanted -- the person who would have</p> <p>25 knowledge of that would be Mr. Bevan, correct?</p>

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<p style="text-align: right;">Page 74</p> <p>1 A Yes, it would have been Mr. Bevan. 2 Q All right. Could you turn to page -- to 3 paragraph 289. 4 A Okay. 5 Q It says, "Plaintiffs' claims are typical of the 6 claims of other Class Members." 7 Do you see that? 8 A Yes. 9 Q Do you know what that means? 10 A Yes. 11 Q What does that mean to you? 12 A It says because we were similarly affected by 13 Defendants' spoliation of asbestos evidence. 14 Q And do you have any facts to that or is that a 15 Mr. Bevan issue? 16 A That's a Mr. Bevan issue. 17 Q Okay. Could you turn to paragraph 316. 18 A I'm there. 19 Q Okay. It says, "As a further proximate" cause 20 "of the above described deliberate gathering 21 and withholding, destruction and/or concealment 22 of documents and evidence relating to Class 23 Members' underlying asbestos claims, and/or the 24 false and misleading statements thereafter that 25 no documents or evidence existed, Plaintiffs</p>	<p style="text-align: right;">Page 76</p> <p>1 what money damages has that incurred? 2 A What do you mean? 3 Q Well, it says that class members, plaintiffs -- 4 A Right. 5 Q -- have -- may or will incur or may have 6 already incurred pecuniary or monetary losses 7 and damages, including but not limited to the 8 loss of their underlying asbestos injury 9 claims, and then it goes on. 10 A Uh-huh. 11 Q So let's start there. With respect to the loss 12 of the underlying asbestos injury claim, do you 13 think that that's a loss that you or your 14 mother's estate has incurred? 15 A Yes. 16 Q Okay. And how much? 17 A How much? 18 Q Is that loss? 19 MR. COREN: Objection as to 20 form. 21 A As in a monetary value? 22 Q Yes. 23 A I would not be able to answer that. 24 Q Well, you now have testified you've been 25 involved with Mr. Bevan for 15 years settling</p>
<p style="text-align: right;">Page 75</p> <p>1 and other Class Members may or will incur, or 2 have already incurred pecuniary losses and 3 damages, including but not limited to the loss 4 of their underlying asbestos injury claim, the 5 expenses and costs of proceeding without this 6 evidence incurred in the effort to replace, 7 locate, or identify evidence, and the cost of 8 prosecuting this case to prove the fraudulent 9 concealment and spoliation of evidence." 10 Do you see that? 11 A Yes. 12 Q Okay. First of all, the pecuniary damages, 13 what pecuniary damages, what money damages have 14 you suffered? 15 A What money damages? 16 Q Yeah. 17 A Are you asking are there money damages that I 18 have suffered personally? 19 Q Yes. 20 A I'd have to give thought to that question. I'm 21 not certain what's involved in money damages 22 for me. Are you talking about time? Are you 23 talking about any kind of material loss that I 24 have had? I'm not sure what that means. 25 Q What about in terms of your mother's estate,</p>	<p style="text-align: right;">Page 77</p> <p>1 cases against asbestos defendants, including, 2 as we're going to see, people who actually 3 created asbestos piping where your mother 4 worked. 5 A Right. 6 Q And you settled those cases? 7 A Right. 8 Q So you have some understanding of what cases 9 settle for, correct? 10 A I have some understanding of what cases settled 11 for, but I do not know how the figures were 12 derived. 13 Q Well, as we sit here today, do you have any 14 amount of money that you could identify for me 15 as your loss for having your mother's claim 16 dismissed or settled against BASF? 17 MR. COREN: Objection as to 18 form. 19 You can respond. 20 A I have -- I have no idea. That has not been 21 discussed. 22 Q Well, do you know that you or your mother's 23 estate have settled with other talc 24 manufacturers? 25 A I know that they have settled with other</p>

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<p style="text-align: right;">Page 78</p> <p>1 defendants, whether or not they were talc 2 manufacturers, I'm not certain. I particularly 3 remember defendants like BFGoodrich, Cooper, 4 that sort of thing. 5 Q And you said you understood the term "aggregate 6 settlements" -- 7 A Right. 8 Q -- right? 9 A Right. 10 Q That's where maybe a bunch of defendants -- 11 A Right. 12 Q -- were settling -- 13 A Right. 14 Q -- with a bunch of plaintiffs -- 15 A Right. 16 Q -- correct? 17 A Right. Right. 18 Q And would you agree with me, would it be fair 19 if I can show you that your mother or your 20 mother's estate settled with talc manufacturers 21 who admitted they had asbestos in the talc, 22 that would be instructive for you in 23 understanding what the damages are in having 24 settled with Engelhard, correct? 25 A I think it's instructive to a certain extent.</p>	<p style="text-align: right;">Page 80</p> <p>1 Mr. Bevan told you there was fraud is because 2 she heard that Engelhard didn't have asbestos 3 in the talc, right? 4 A No. 5 Q No. 6 A Well, based upon my understanding of this 7 particular case, the information given to them 8 at that time was that Engelhard did not have 9 asbestos in the talc. 10 Q And at the time -- withdrawn. 11 Based upon your litigation experience 12 with Mr. Bevan, you have come to learn that you 13 have settled with defendants who actually did 14 have asbestos in the talc, right? 15 A Yes. 16 Q And you would agree with me that's going to be 17 relevant information, to see how much a 18 defendant owed somebody who was around talc, 19 correct? 20 A Correct only if -- only if they admitted that 21 they had asbestos in the talc. I don't think 22 it -- I don't think it's fair to lump that in 23 with someone who said that they did not have 24 asbestos in the talc but in fact did. I think 25 that's a -- there's the difference there.</p>
<p style="text-align: right;">Page 79</p> <p>1 Q Because if you have two talc manufacturers and 2 you're settling with them, you would think, 3 based upon your experience with Mr. Bevan, that 4 the talc manufacturer who has asbestos in the 5 talc would pay more than the talc manufacturer 6 who doesn't have asbestos in the talc, fair? 7 MR. COREN: Form objection. 8 You can respond. 9 A Fair to a certain extent, because in this 10 particular matter there was fraud involved. 11 Q Based on what Mr. Bevan told you? 12 A Based upon what -- yes. Based upon what 13 Mr. Bevan said and the basis -- the very basis 14 of this lawsuit. 15 Q Okay. But in terms of the underlying cases 16 back in 2000 and 2001, 2002, you understood 17 that those cases were being settled against 18 defendants who both had asbestos in their 19 product and didn't have asbestos in their 20 product, correct? 21 A My understanding is based upon those that had 22 asbestos. I cannot recall those who did not. 23 If there were those who did not. 24 Q Well, you settled -- your mother's estate 25 settled with Engelhard, and one of the reasons</p>	<p style="text-align: right;">Page 81</p> <p>1 Q Okay. And we'll get to that. I'm going to 2 show you -- 3 A Right. 4 Q -- a listing of defendants. 5 A Okay. 6 Q Some with asbestos, some without. 7 A All right. All right. 8 Q All right. Let's see. 9 MR. ASSAF: Can I have the 10 interrogatory? 11 (Defendants' Exhibit 2 was marked.) 12 A I think they're right in front of you. This is 13 D Ex. 2. "Plaintiff --" 14 MR. COREN: Gene, when you 15 get to a good spot -- 16 MR. ASSAF: Yeah, I think 17 this will take five minutes or so and then -- 18 MR. COREN: Yeah. 19 MR. ASSAF: -- we'll take a 20 break. 21 Q Marilyn Holley's -- withdrawn. 22 D Ex. 2 is entitled: Plaintiff Marilyn 23 Holley's answers to BASF's first set of 24 interrogatories. 25 Do you see these?</p>

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<p style="text-align: right;">Page 82</p> <p>1 A Yes.</p> <p>2 Q Okay. When did you first see these?</p> <p>3 A I first saw these after they were prepared for</p> <p>4 me, but I can't give you an exact time when</p> <p>5 they were -- when it was done. Let's see.</p> <p>6 Based upon the certificate of service, it</p> <p>7 looks like it was the end of last year. Okay.</p> <p>8 Q And did you review these interrogatories before</p> <p>9 they were finalized? Or did you review them</p> <p>10 after they were already filed?</p> <p>11 A No. I reviewed them after they were finalized.</p> <p>12 We discussed them prior to submission.</p> <p>13 Q And did you ever sign what's called a</p> <p>14 verification?</p> <p>15 A Yes.</p> <p>16 MR. ASSAF: I'm going to</p> <p>17 ask counsel for a copy of that verification.</p> <p>18 MR. COREN: Yes.</p> <p>19 MR. ASSAF: If you could</p> <p>20 email it to me during the dep, that would be</p> <p>21 useful. Okay?</p> <p>22 MR. GEYERMAN: Same goes for</p> <p>23 the verifications for the other defendants.</p> <p>24 Q So you remember signing the verification?</p> <p>25 A I believe so. I won't say unequivocally, but I</p>	<p style="text-align: right;">Page 84</p> <p>1 Q And then the response, the second paragraph,</p> <p>2 says, "Plaintiff possesses no personal</p> <p>3 information responsive to this request."</p> <p>4 Do you see that?</p> <p>5 A Yes.</p> <p>6 Q And I think you and I talked about this in the</p> <p>7 beginning of the deposition, the information --</p> <p>8 personal -- withdrawn.</p> <p>9 You have no personal information</p> <p>10 regarding why the underlying case was settled,</p> <p>11 what happened in the underlying case, what was</p> <p>12 said regarding Engelhard in the underlying</p> <p>13 case, correct?</p> <p>14 A I have no personal information of that, that's</p> <p>15 true.</p> <p>16 Q And the person who does have that personal</p> <p>17 information --</p> <p>18 A Would be --</p> <p>19 Q -- is -- would be?</p> <p>20 A Attorney Bevan.</p> <p>21 Q Attorney Bevan. Okay.</p> <p>22 Interrogatory 12, I think the same thing.</p> <p>23 "Describe all efforts made by Decedent and her</p> <p>24 counsel in the Underlying Action to develop and</p> <p>25 prosecute claims under Engelhard."</p>
<p style="text-align: right;">Page 83</p> <p>1 believe so.</p> <p>2 Q And because you've signed verifications for</p> <p>3 other interrogatory responses in other</p> <p>4 litigations, correct?</p> <p>5 A Correct.</p> <p>6 Q And so you know what a verification is?</p> <p>7 A Yes.</p> <p>8 Q Let's start at the back, actually, 11 and 12.</p> <p>9 In 11 the second paragraph reads,</p> <p>10 "Subject to and without waiving the foregoing</p> <p>11 Objections, Plaintiff possesses no personal</p> <p>12 information responsive to this request."</p> <p>13 This is a question --</p> <p>14 A Do we have -- oh, I wasn't at the</p> <p>15 interrogatories. I'm sorry.</p> <p>16 Q Sorry. Withdrawn.</p> <p>17 Let's start again.</p> <p>18 A Okay. Interrogatory number 11?</p> <p>19 Q 11, yep. Describe in detail the process behind</p> <p>20 the Decedent's decision to settle or dismiss</p> <p>21 Engelhard in the Underlying Actions, including</p> <p>22 the Persons involved, the information reviewed,</p> <p>23 and the basis for the decisions.</p> <p>24 Do you see that?</p> <p>25 A Uh-huh.</p>	<p style="text-align: right;">Page 85</p> <p>1 And, again, just to be clear, the person</p> <p>2 who would have the factual information to</p> <p>3 address why the case was settled, what was said</p> <p>4 by Engelhard would be?</p> <p>5 A Attorney Bevan.</p> <p>6 Q And on that note, we'll take a break.</p> <p>7 THE VIDEOGRAPHER: Off the record.</p> <p>8 The time is 11:36.</p> <p>9 (Recess taken.)</p> <p>10 THE VIDEOGRAPHER: Back on the</p> <p>11 record. The time is 11:48.</p> <p>12 (Defendants' Exhibit 3 was marked.)</p> <p>13 BY MR. ASSAF:</p> <p>14 Q Okay. In front of you, Ms. Holley, is</p> <p>15 exhibit -- Defendants' Exhibit 3, the response</p> <p>16 to the Cahill Gordon interrogatories.</p> <p>17 Do you see these?</p> <p>18 A Yes.</p> <p>19 Q Did you also review these at some point?</p> <p>20 A Yes.</p> <p>21 Q Okay.</p> <p>22 A I'm certain that I did. Uh-huh.</p> <p>23 Q Did you sign a verification?</p> <p>24 A I believe I did, yes.</p> <p>25 Q Okay.</p>

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<p style="text-align: right;">Page 86</p> <p>1 MR. ASSAF: Counsel, may we 2 also have a copy of that verification? 3 MR. PLACITELLA: Sure. 4 MS. FIELDS: We join in that 5 request. 6 MR. ASSAF: I don't think 7 it was attached. 8 Q All right. And in terms of filling out the 9 disclosed - the interrogatories, fair to say 10 that you also - you relied on the facts that 11 you knew from Mr. Bevan? Withdrawn. 12 In terms of responding to the 13 interrogatories, I know you said that you had 14 no personal knowledge of many of the facts in 15 there, correct? 16 A Yes. 17 Q And with respect to the facts you did know, is 18 it fair to say that many of those facts came 19 from Mr. Bevan? 20 A Many, but I believe in this interrogatories we 21 talked about residences. 22 Q Yes. 23 A Okay. So that would have been personal 24 knowledge. 25 Q So other things like residences, I guess it's</p>	<p style="text-align: right;">Page 88</p> <p>1 plaintiffs - 2 A Right. 3 Q - lawyers -- 4 A Right. 5 Q - in the Williams case? 6 A Right. 7 Q And I would like to turn your attention to 8 paragraph 2. 9 A Paragraph 2. Okay. 10 Q Yep. 11 I'm sorry. Page 2. Page 2. 12 A Page 2. 13 Q Where it says "Thomas Bevan." 14 A Uh-huh. 15 Q Do you see that? 16 A Yes. 17 Q And I'm going to read this under "Subject." 18 A Okay. 19 Q "Mr. Bevan is an attorney in the Akron, Ohio 20 area who has represented the five Ohio-venued 21 Named Class Representative Plaintiffs. He has 22 knowledge of their asbestos claims, the 23 representations that he and his firm were given 24 by Defendant BASF Catalysts, Cahill, Gordon and 25 the individual attorneys affiliated with these</p>
<p style="text-align: right;">Page 87</p> <p>1 your brother and Linda Neal whom also you 2 identified as potential witnesses? 3 A Linda Neal, not necessarily my brother. 4 Q Okay. All right. 5 A Uh-huh. 6 Q But other than that purely personal 7 information -- 8 A Yes. 9 Q - the facts of the underlying case and the 10 facts of the alleged fraud, all that's 11 Mr. Bevan? 12 A Yes. 13 Q "Go talk to Mr. Bevan"? 14 A Yes. 15 (Defendants' Exhibit 4 was marked.) 16 Q May I have put in front of the witness 17 Defendants' Exhibit 4, please. 18 Defendants' Exhibit 4 is entitled "Class 19 Plaintiffs Rule 26(a) Disclosures." 20 Have you ever seen this before? 21 A I can't recall for sure. This document goes 22 back to October 2015. 23 Q Okay. 24 A And I don't remember -- I can't say yea or nay. 25 Q Okay. It's something filed by you --</p>	<p style="text-align: right;">Page 89</p> <p>1 Defendants, and the actions taken as a result 2 of Defendants' misrepresentations, half-truth 3 statements, material omissions concerning Emtal 4 talc and the evidence of asbestos in Emtal 5 talc. He has knowledge about the involuntary 6 dismissal of his clients' claims due to the 7 defendants' misrepresentations, half-truth 8 statements and material omissions concerning 9 Emtal talc and the evidence of asbestos in 10 Emtal talc." 11 Do you see that? 12 A Yes. 13 Q Do you think that's true? 14 A Yes. 15 Q Yes. And do you have -- have you ever told 16 Mr. Bevan that he cannot provide facts in this 17 case? 18 MR. COREN: Objection as to 19 form. 20 Also to the extent that you're relying 21 upon advice of counsel, I'm going to instruct 22 you not to answer. However, to the extent that 23 you have personal knowledge, you may -- 24 without -- you can answer without revealing 25 advice of counsel, please respond.</p>

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<p>Page 90</p> <p>1 A I have no personal knowledge. 2 Q Okay. Let me try it this way: You've known 3 Mr. Bevan for 15 years? 4 A Yes. 5 Q He has a relationship with you and your 6 mother's estate and helping you in all of these 7 asbestos cases, right? 8 A Correct. 9 Q You trust him, correct? 10 A Yes. 11 Q You think he's a good guy, good lawyer? 12 A Yes. 13 Q Okay. If he has information that would help 14 out your case here, you wouldn't have any 15 objection to him giving it to you to help you 16 out, correct? 17 MR. COREN: I'm going to 18 instruct you not to answer the question. It 19 deals with a matter of privilege. We are 20 asserting at this time the privilege. Until 21 the Court takes appropriate action under law, 22 I'm instructing the witness not to answer. 23 MR. ASSAF: On whether she 24 has an objection to him providing us 25 information?</p>	<p>Page 92</p> <p>1 Mr. Coren? 2 MR. COREN: Many. Many. 3 MR. ASSAF: What identified 4 by that question? 5 Court reporter, could you read back the 6 question, please? 7 MR. COREN: You know, I'm 8 not going to respond. I've asserted my -- 9 MR. ASSAF: Please read 10 back the question. 11 (Requested portion of the record was read.) 12 MR. COREN: Okay. And, 13 once again, the issue is a matter of assertion 14 of privilege, which is a complicated one in New 15 Jersey. It's not an automatic one in New 16 Jersey. We have asserted the privilege. It's 17 a matter under submission to judge -- 18 Magistrate Judge Dickson. I'm instructing the 19 client not to answer. 20 Q Have you had -- yes or no: Have you had 21 discussions with Mr. Bevan regarding the facts 22 in this case, the Williams case? Just answer 23 it "yes" or "no" without revealing what was 24 said. 25 A Yes.</p>
<p>Page 91</p> <p>1 MR. COREN: Yes, because 2 it's a matter of privilege and we're 3 instructing her not to answer. It's a very 4 complicated issue. It's an issue that's 5 pending before Magistrate Judge Dickson. 6 Q So let's try it this way: We've identified -- 7 you've identified Mr. Bevan as a guy who 8 understands the facts of the underlying action, 9 the alleged representations, and other issues, 10 fair? 11 A True. 12 Q As we sit here today, as a class representative 13 and somebody who's known Mr. Bevan for 15 14 years, can you think of any reason why you as a 15 class rep wouldn't want him to provide those 16 facts to the Court? 17 MR. COREN: Once again, 18 it's a matter of privilege. I'm -- 19 MR. ASSAF: It's not 20 privileged, Michael. 21 MR. COREN: Excuse me. It 22 is. It's the assertion of a privilege which we 23 are asserting. 24 MR. ASSAF: What legal 25 advice or legal communication is at issue,</p>	<p>Page 93</p> <p>1 Q Okay. Could you answer yes or no whether 2 you've had discussions with Mr. Bevan as to 3 whether he would be willing to testify in this 4 case? Don't say what he said, just have you 5 had those discussions? 6 A I have not had those discussions with him. 7 Q Okay. Do you have any written agreement with 8 Mr. Bevan prohibiting him from testifying in 9 this case? 10 A No. 11 Q We talked about the arrangements when we 12 started, by the way, and it was your 13 recollection you did not have a written fee 14 arrangement with Mr. Placitella's firm? 15 A I'm not going to say that I don't have one, I 16 just don't recall that particular document. 17 Q Would this be in your files that the 18 plaintiffs' counsel haven't reviewed yet? 19 A Either in my files or Mr. Bevan's. 20 Q And do you have a separate agreement with 21 Mr. Bevan in writing for compensation in this 22 case, the Williams case? 23 A I'm not sure. Really I'm not sure. 24 Q Would that be in your files as well? 25 A If it's -- if I have it, if I was given that,</p>

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<p style="text-align: right;">Page 94</p> <p>1 yes, it would be.</p> <p>2 Q Do you have any idea of how Mr. Placitella's</p> <p>3 going to be compensated in this case as the</p> <p>4 class representative?</p> <p>5 A No, I don't. Not personally, no.</p> <p>6 Q So he could get 10 percent, 30 percent, 50</p> <p>7 percent, you wouldn't know?</p> <p>8 A I'm not aware. I'm not aware. I don't know.</p> <p>9 Q That was never discussed with you?</p> <p>10 A I don't know.</p> <p>11 Q Okay. Now if you take in front of you D Ex. --</p> <p>12 MR. ASSAF: Can you give</p> <p>13 the witness D Ex. 5 through D Ex. 12?</p> <p>14 (Defendants' Exhibit 5 was marked.)</p> <p>15 (Defendants' Exhibit 6 was marked.)</p> <p>16 (Defendants' Exhibit 7 was marked.)</p> <p>17 (Defendants' Exhibit 8 was marked.)</p> <p>18 (Defendants' Exhibit 9 was marked.)</p> <p>19 (Defendants' Exhibit 10 was marked.)</p> <p>20 (Defendants' Exhibit 11 was marked.)</p> <p>21 (Defendants' Exhibit 12 was marked.)</p> <p>22 Q We're going to try to get through these in</p> <p>23 fairly short order.</p> <p>24 May I help you?</p> <p>25 A I just want to make certain that I have 12.</p>	<p style="text-align: right;">Page 96</p> <p>1 A When you say "in addition to this lawsuit,"</p> <p>2 were you referring to --</p> <p>3 Q In addition to the lawsuit against 98 asbestos</p> <p>4 defendants --</p> <p>5 A Oh, I see.</p> <p>6 Q -- did you file any other asbestos case?</p> <p>7 A No, not -- not except the one that we're</p> <p>8 presently talking about.</p> <p>9 Q Okay. So that's November 14, 2000, okay?</p> <p>10 A Uh-huh.</p> <p>11 Q Then we're going to go to the very next page --</p> <p>12 the very next document, D Ex. 6. It is a</p> <p>13 letter entitled -- or dated February 15, 2001</p> <p>14 from Mr. Bevan to Sam Martillotta.</p> <p>15 Do you see this document?</p> <p>16 A Yes.</p> <p>17 Q And if you turn to the second page of D Ex. 6,</p> <p>18 there's a reference to Ms. Damell. Do you see</p> <p>19 this? Do you see that?</p> <p>20 A Yes.</p> <p>21 Q The document says, "I have enclosed the above</p> <p>22 captioned Master Consolidated Complaints. As I</p> <p>23 indicated to you previously, most of these</p> <p>24 Plaintiffs did not work in facilities where</p> <p>25 they would have been exposed to talc."</p>
<p style="text-align: right;">Page 95</p> <p>1 Q Oh, I think --</p> <p>2 A Okay.</p> <p>3 Q Yeah, I think they're all here.</p> <p>4 A Okay. Okay.</p> <p>5 Q Here they are. 9, 10, 11, 12.</p> <p>6 A Okay.</p> <p>7 Q And I'm going to try to do these in order,</p> <p>8 Ms. Holley --</p> <p>9 A Okay.</p> <p>10 Q -- okay?</p> <p>11 A All right.</p> <p>12 Q All right. First of all, D Ex. 5 is a November</p> <p>13 14, 2000 filing of a complaint by Ms. Damell</p> <p>14 against who I count to be 98 defendants.</p> <p>15 Do you recognize this document?</p> <p>16 A Yes.</p> <p>17 Q And these are the 95 defendants from whom</p> <p>18 you've been pursuing compensation over the last</p> <p>19 15 years?</p> <p>20 A To the best of my knowledge, yes.</p> <p>21 Q And some have paid and some haven't?</p> <p>22 A Yes.</p> <p>23 Q In addition to this lawsuit, were there any</p> <p>24 other lawsuits filed against any other</p> <p>25 defendant that you can think of?</p>	<p style="text-align: right;">Page 97</p> <p>1 Do you see that?</p> <p>2 A Yes.</p> <p>3 Q Okay. "The following Plaintiffs did work in</p> <p>4 facilities where they were exposed to talc."</p> <p>5 And then he lists --</p> <p>6 A Yes.</p> <p>7 Q -- 14 --</p> <p>8 A Yes.</p> <p>9 Q -- plaintiffs. Do you see that?</p> <p>10 A Yes.</p> <p>11 Q And do you see that they have different</p> <p>12 employers? Firestone, Goodyear, General Tire?</p> <p>13 A Yes.</p> <p>14 Q And do you see where they have different years</p> <p>15 in which they were working at these employers?</p> <p>16 A Yes.</p> <p>17 Q And that they have different diagnoses?</p> <p>18 A Yes.</p> <p>19 Q Do you think those -- withdrawn.</p> <p>20 Based upon your 15 years of dealing with</p> <p>21 asbestos litigation with Mr. Bevan, do you</p> <p>22 understand that the differences in exposure and</p> <p>23 diseases matter in terms of compensation?</p> <p>24 A Yes.</p> <p>25 Q What's your understanding of the reason for</p>

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<p style="text-align: right;">Page 98</p> <p>1 that?</p> <p>2 A The severity of the illnesses. Basically</p> <p>3 mesothelioma, which my mother had which we know</p> <p>4 is a lung disease only contracted by exposure</p> <p>5 to asbestos.</p> <p>6 Q So mesothelioma should be the disease for which</p> <p>7 the greatest compensation is allowed, as</p> <p>8 opposed to asbestosis?</p> <p>9 A To the best of my knowledge and belief, that is</p> <p>10 true.</p> <p>11 Q So the complaint is November of 2010, and in</p> <p>12 roughly three months later, there's a letter</p> <p>13 from Mr. Bevan to Mr. Martillotta, whom I'll</p> <p>14 represent to you was defense counsel for talc</p> <p>15 defendants group.</p> <p>16 A Okay.</p> <p>17 Q Okay. Regarding these 14 cases.</p> <p>18 And at the end, Mr. Bevan says -- the</p> <p>19 very last paragraph, I'm also enclosing -- "I</p> <p>20 have also enclosed diagnosing medical records</p> <p>21 for each of these cases. Please let me know if</p> <p>22 the talc defendants would like to resolve these</p> <p>23 cases along with the plaintiffs from the</p> <p>24 Breckenridge complaint. Obviously, we would</p> <p>25 also dismiss the defendants from other cases on</p>	<p style="text-align: right;">Page 100</p> <p>1 A Yes.</p> <p>2 Q And Georgia-Pacific. Do you see that?</p> <p>3 A Yes.</p> <p>4 Q And R.T. Vanderbilt and Company. Do you see</p> <p>5 that?</p> <p>6 A R.T. Vanderbilt.</p> <p>7 Q Yeah, down towards the end.</p> <p>8 A Yes.</p> <p>9 Q And if you go back up to the E's, Eastern</p> <p>10 Magnesia Talc Company, do you see that?</p> <p>11 A Yes.</p> <p>12 Q So in May of 2001, all of the claims against</p> <p>13 those defendants are dismissed by your mother,</p> <p>14 do you see that?</p> <p>15 A Yes.</p> <p>16 Q Okay. Then a few weeks later -- I'd like to</p> <p>17 turn your attention to D Ex. 8.</p> <p>18 A Okay.</p> <p>19 Q D Ex. 8 is a document dated May 25, 2001 from</p> <p>20 Mr. Martillotta to Mr. Bevan.</p> <p>21 A Yes.</p> <p>22 Q And it's entitled "Settlement with 7 Talc</p> <p>23 Defendants."</p> <p>24 Do you see that?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 99</p> <p>1 these complaints as well."</p> <p>2 Do you see that?</p> <p>3 A Dismiss the talc defendants.</p> <p>4 Q Yes.</p> <p>5 A Uh-huh.</p> <p>6 Q Okay. So Mr. Bevan's asking Mr. Martillotta</p> <p>7 whether we could resolve all of these cases</p> <p>8 three months after the complaint's filed,</p> <p>9 right?</p> <p>10 A According to the record, yes.</p> <p>11 Q Okay. Now let's go to D Ex. 7, which is the</p> <p>12 very next document. And it is in fact a</p> <p>13 dismissal by Mr. Bevan of your mother's lawsuit</p> <p>14 against a number of defendants.</p> <p>15 Do you see that?</p> <p>16 A Yes.</p> <p>17 Q And included in these defendants are companies</p> <p>18 like the Asbestos Corporation. Do you see</p> <p>19 that?</p> <p>20 A Yes.</p> <p>21 Q And Bell Asbestos Mines.</p> <p>22 A Uh-huh.</p> <p>23 Q And Federal Mogul.</p> <p>24 A Uh-huh.</p> <p>25 Q Do you see that?</p>	<p style="text-align: right;">Page 101</p> <p>1 Q By the way, have you seen this document before?</p> <p>2 A I can't say that I have. I may have, but there</p> <p>3 have been so many documents. I cannot identify</p> <p>4 them individually.</p> <p>5 Q Okay. Let's see if I can refresh your</p> <p>6 recollection on this.</p> <p>7 A Okay.</p> <p>8 Q Thank you for forwarding to me the release.</p> <p>9 Please revise the name of Harwick Chemical</p> <p>10 Corporation to read 'Harwick Chemical Corp. now</p> <p>11 known as Harwick Standard Distribution</p> <p>12 Corporation'. With that change, the talc</p> <p>13 defendants agree to the language of the Release</p> <p>14 and urge you to obtain them for the Grant</p> <p>15 Breckenridge plaintiffs with whom we are</p> <p>16 settling for a total of \$14,000, and the</p> <p>17 fourteen plaintiffs from the other cases,</p> <p>18 specifically including Kathryn Damell.</p> <p>19 Do you see that?</p> <p>20 A Yes.</p> <p>21 Q Tom, as soon as you have the executed Releases,</p> <p>22 please forward them to me and I will forward to</p> <p>23 you the drafts.</p> <p>24 A Uh-huh.</p> <p>25 Q In the meantime, prepare and serve on the CLAD</p>

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<p style="text-align: right;">Page 102</p> <p>1 the dismissal of the seven talc defendants with 2 whom you are settling in each of these cases. 3 Do you see that? 4 A Yes. 5 Q And then if you turn to the second -- or I 6 guess it's page 3 under "Bevan 14 Plaintiffs." 7 Do you see that? 8 A Yes. 9 Q And it says \$19,000 and Kathryn Darnell. 10 So do you see that? 11 A Yes. 12 Q All right. Does that refresh your recollection 13 that all seven talc defendants were settling 14 for a total of \$14,000? 15 A No, it does not. It does not refresh my 16 recollection. And, actually, this is dated May 17 25, 2001. It was literally only two weeks 18 before my mom passed away. 19 Q In terms of understanding the facts of this 20 settlement with seven talc defendants for 21 \$14,000, would Mr. Bevan be the person that you 22 would encourage me to talk to? 23 A Yes. He would definitely have the information 24 on this. I did not. I was not a party to 25 this.</p>	<p style="text-align: right;">Page 104</p> <p>1 Q All right. So did you know that R.T. 2 Vanderbilt in fact had asbestos in its talc? 3 A No, I did not know that. Personally, no. 4 Q Okay. Well, can you dispute that Mr. Bevan 5 knew that? 6 MR. COREN: Objection as to 7 form. 8 A I wouldn't be able to dispute that. That's 9 based upon his knowledge and belief and it's 10 nothing that I discussed with him. 11 Q Okay. 12 A Because this, as I say, this was prior to my 13 mom's passing. And so this particular 14 defendant -- then she would have had the 15 relationship with Mr. Bevan. 16 Q Well, this is actually -- this is August 16, 17 2001. 18 A Okay. 19 Q This is the dismissal of all seven talc 20 defendants. 21 A That was the dismissal -- 22 Q Yep. 23 A -- of all seven and it was -- I have it at 24 home. I don't remember -- let me see -- the 25 date of my becoming --</p>
<p style="text-align: right;">Page 103</p> <p>1 Q Okay. Then if you turn to D Ex 9. It's dated 2 May 16, 2001. 3 A Yes. 4 Q So now I'm showing you this because it's a 5 voluntary dismissal of defendants Georgia Talc, 6 Harwick Chemical, Emtal, R.T. Vanderbilt, 7 Johnson & Johnson, and Southern Talc Companies, 8 which seems to be, by my count, seven talc 9 companies. 10 A Okay. 11 Q Okay. Now, remember in the beginning of the 12 deposition I asked you whether talc companies 13 who have asbestos in the talc were paying money 14 different from talc companies that didn't have 15 asbestos in the talc? 16 A Yes, I recall that. 17 Q And you said you would expect the talc 18 companies with asbestos to actually pay more, 19 fair? 20 A Fair. 21 Q Now, here we have seven talc defendants 22 dismissing the case against your mother and 23 let's assume it's for \$14,000, per Mr. Bevan's 24 letter, okay? 25 A Okay.</p>	<p style="text-align: right;">Page 105</p> <p>1 Q Okay. 2 A -- executrix of the estate. 3 Q Okay. But as we sit here today, do you know 4 whether Southern Talc had asbestos in its talc? 5 A I have no idea. 6 Q And could you dispute that Mr. Bevan in fact 7 knew that Southern Talc had asbestos in the 8 talc? 9 A I would not -- 10 MR. COREN: Objection. 11 A -- be able to dispute that. 12 Q Could you turn to D Ex. 10? 13 A Okay. 14 Q January 7, 2002 from Mr. Bevan to Sam 15 Martillotta. 16 A Right. 17 Q And dated January 7, 2002. 18 A Uh-huh. 19 Q Entitled "Talc Settlement." 20 A Right. 21 Q "Dear Sam: 22 I have enclosed executed release for the 23 following clients." 24 And then on the next page it says, "The 25 following clients were previously paid."</p>

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<p style="text-align: right;">Page 106</p> <p>1 "We have not filed claim for the 2 following individuals." 3 We are waiting releases from the 4 following clients. 5 "Per your release, I have enclosed death 6 certificates for the following clients." 7 And then on page 3 it says, "According to 8 our records, we have previously settled and 9 dismissed, but not yet been paid for the 10 following clients." Do you see where it says 11 Kathryn Damell? 12 A Yes, which includes my mom, yes. 13 Q Which includes your mom. 14 A Uh-huh. 15 Q And it says for the talc defendants that she 16 was paid \$2,000. Do you see that? 17 A I see that. 18 Q And that \$2,000 included money from talc 19 defendants who had asbestos in the talc, 20 correct? 21 MR. COREN: Objection as to 22 form. 23 A Does it say that? 24 Q I'm asking if you know. 25 A I don't know.</p>	<p style="text-align: right;">Page 108</p> <p>1 A No, not with -- understanding the underlying 2 issues. 3 Q Could you turn to D Ex. 11, the very next 4 document. This is January 10, 2002. 5 It says: Enclosed is a settlement draft 6 from the Mansour Trust Account payable to Bevan 7 & Associates on behalf of the Breckenridge 8 Plaintiffs and 14 additional Plaintiffs listed 9 below, in the amount of \$33,000. 10 It says: Specifically, the settlement is 11 with Defendants Emtal, Georgia Talc -- put a -- 12 just remember Georgia Talc. 13 A Right. 14 Q Harwick Chemical, Johnson & Johnson, R.T. 15 Vanderbilt -- let's remember R.T. Vanderbilt 16 too -- Southern Talc -- remember them -- 17 St. Lawrence Liquidating Company, and Trustee 18 for International Talc Companies. 19 And then it goes through the claims of 20 the Breckenridge complaint. 21 And then the next page, on page 2, says, 22 "In addition, the settlement is with the 23 following Plaintiffs (along with their spouses 24 and/or estates, where applicable) who have 25 filed actions separately in the Cuyahoga County</p>
<p style="text-align: right;">Page 107</p> <p>1 Q Mr. Bevan would know, correct? 2 A Okay. Right. 3 Q And would you be surprised, based on what you 4 know of Mr. Bevan and the allegations in this 5 case, if Mr. Bevan recommended a settlement 6 from talc defendants who had asbestos in the 7 talc for a total of \$2,000? Would that 8 surprise you? 9 MR. COREN: Objection as to 10 form. 11 A Based upon the way you put your question, I 12 don't know why I would be surprised or not 13 surprised, because we're talking about 14 settlement issues. Okay. 15 Q So as we sit here today, you can't think of any 16 reason you would object to settling with a talc 17 defendant who had asbestos in the talc for 18 \$2,000? 19 A I can think -- 20 MR. COREN: Objection as to 21 form. 22 A -- of no reason for me to object. 23 Q You can think of no reason you would object to 24 a settlement of \$2,000 from a talc defendant 25 with asbestos?</p>	<p style="text-align: right;">Page 109</p> <p>1 Court of Common Pleas." And you see Kathryn 2 Damell listed? 3 A I see it. 4 Q Correct? 5 A Uh-huh. 6 Q Now, we're going to come back to page 2 in a 7 second, but I want to show you -- if you could 8 keep D Ex. 11 in front of you. 9 A Yes. 10 Q And then I'm going to show you something filed 11 by Mr. Bevan regarding the Southern Talc 12 company -- 13 A Okay. 14 Q -- and whether it had asbestos in the talc, 15 okay? 16 A Oh, okay. 17 Q So, again, remember, to set this up: Settling 18 with seven defendants, seven talc defendants, 19 and we're trying to figure out whether they had 20 asbestos in the talc or didn't have asbestos in 21 the talc, okay? 22 So now if you turn to D Ex. 12, this is 23 entitled "Plaintiffs' Responses to Motions for 24 Summary Judgment Filed on Behalf of the 25 BFGoodrich Company." And it's filed by</p>

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<p style="text-align: right;">Page 110</p> <p>1 Mr. Bevan. 2 A Uh-huh. 3 Q Okay. Now, first of all, it says, if you turn 4 to page 2 -- 5 A Okay. 6 Q -- "The BFGoodrich plant contained many miles 7 of asbestos insulated steam pipes, asbestos 8 insulated tanks, boilers, and asbestos 9 insulated machinery." 10 A Where is that? 11 Q On page 2. Do you see that right there? 12 A Okay. 13 Q "In the late 1980s, BFGoodrich engaged in a 14 major asbestos abatement project in its Akron 15 plant. One job involved the removal of an 16 astounding 22 miles of asbestos pipe 17 insulation." 18 Do you see that? 19 A Yes. 20 Q And your mom had worked at BFGoodrich -- 21 A Yes. 22 Q -- correct? 23 A Yes. 24 Q And then on the next page Mr. Bevan talks about 25 "Between 1950 and 1977, BFGoodrich purchased</p>	<p style="text-align: right;">Page 112</p> <p>1 Q Of Mr. Bevan's document. 2 A Okay. Okay. 3 Q Okay. And may I just point you to this? 4 A Uh-huh. 5 Q Right there. 6 A Right here. 7 Q "Soapstone/talc was used extensively all over 8 the BFGoodrich plant. (See affidavit of James 9 Clark.) Talc/soapstone was commonly 10 contaminated with asbestos as was evidenced by 11 BFGoodrich's own laboratory analyses. Robert 12 Moddrell, a former BFGoodrich Industrial 13 Hygienist has testified that the talc used at 14 BFGoodrich contained asbestos." 15 Do you see that? 16 A Yes. 17 Q Okay. And it says, if you go to the bottom of 18 page 15, "BFGoodrich did not create a 'no 19 asbestos' talc specification until seven years 20 later. Also, BFGoodrich did not remove 21 asbestos-containing 'White Talc' from Southern 22 Talc Company --" withdrawn. 23 It says, "Also, BFGoodrich did not remove 24 asbestos-containing 'White Talc' from Southern 25 Talc Company from its supplier list until</p>
<p style="text-align: right;">Page 111</p> <p>1 millions of pounds of raw asbestos fiber." 2 During that -- "During said time, BFGoodrich 3 purchased over seven million pounds of raw 4 asbestos fiber from Johns Manville and over 5 seven million pounds of raw asbestos from The 6 C.P. Hall Company." 7 Do you see that? 8 A Yes. 9 Q And it says, "Talc/soapstone was commonly 10 contaminated with asbestos as was evidenced by 11 BFGoodrich's only laboratory analyses." 12 Do you see that? 13 A Where is that? 14 Q That's right there. 15 A Okay. 16 Q Okay. 17 A Okay. 18 MR. ASSAF: By the way, 19 counsel, we would very much like, if Mr. Bevan 20 has them, the analyses done by BFGoodrich's own 21 laboratory analyses on the talc that he 22 references in these papers. 23 Q Okay. Then I'm going to ask you to flip to 24 page 14. 25 A Of this same document?</p>	<p style="text-align: right;">Page 113</p> <p>1 1980." 2 Do you see that? 3 A Yes. 4 Q So there's Southern Talc. So Mr. Bevan knows 5 that there's talc used at BFGoodrich, knows 6 that some of the talc has asbestos, and in fact 7 knows that Southern Company has asbestos in it. 8 In fact, if you turn to Exhibit 26 -- may 9 I turn it for you? 10 A Yes, please. 11 Q If you turn to Exhibit 26, Mr. Bevan -- it's 12 Exhibit 12A, for the record. 13 Mr. Bevan includes a document showing -- 14 that states "Recent Raw Materials investigation 15 has found that all talc supplied by Southern 16 Talc Company contain significant amounts of 17 asbestos-like particles (tremolite)." 18 Do you see that? 19 A Yes. 20 Q Okay. So does that refresh your recollection, 21 going back to D Ex. 11, as to whether Southern 22 Talc Company, which supplied BFGoodrich, had 23 asbestos in its talc? 24 A It does not refresh my recollection, no. 25 Q But you know now that Southern Talc Company was</p>

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<p style="text-align: right;">Page 114</p> <p>1 one of the seven defendants that settled with 2 your mother's estate for \$2,000, correct? 3 A Yes. 4 Q Even though Southern Talc was known by 5 Mr. Bevan to have asbestos in its talc, 6 correct? 7 A Yes. 8 Q Turning back to Exhibit 11, the second page of 9 this letter. 10 A This is 10. 11 Q This is 10. I think it's right there. 12 A Oh, okay. 13 Okay. 14 Q The second to last paragraph says, "Tom, I have 15 noticed on CLAD that in the past week you have 16 filed numerous Master Consolidated Complaints 17 naming this group of Defendants. From the 18 information you previously provided to me, it 19 is apparent that nearly all, if not all, of the 20 Plaintiffs represented on these new Master 21 Consolidated Complaints were employees where 22 there were obviously no talc exposures." 23 Do you see that? 24 A I see that. 25 Q So as a class representative, do you have any</p>	<p style="text-align: right;">Page 116</p> <p>1 MR. COREN: Objection. 2 Where does it say that? 3 Q Do those people get compensation as part of the 4 class? 5 MR. COREN: Objection as to 6 form. 7 A You're saying that based upon the documentation 8 that these particular plaintiffs were not -- 9 Q Exposed to talc. 10 A Exposed to talc. So what do you want from me? 11 What are you asking? 12 Q Well, as the class representative, let's say 13 you have a pile of money at the end. 14 A Uh-huh. 15 Q Let's say you have a million dollars and you 16 have to divide it up amongst class members. So 17 do you think that people who are class members 18 who were actually never exposed to talc deserve 19 to get some money? 20 A If they were in fact never exposed to talc, but 21 based upon the basis of the lawsuit, I 22 really -- I really don't see me being able to 23 answer that question, I really don't. 24 Q Well, let's say -- let's put it the other way. 25 A Okay.</p>
<p style="text-align: right;">Page 115</p> <p>1 understanding about whether Mr. Bevan and 2 Mr. Placitella think that people who filed 3 cases against talc companies in which there was 4 no talc exposure are part of this class? 5 MR. COREN: Objection as to 6 form. 7 A And I have no information on it. 8 Q Who would know that, Mr. Bevan? 9 A Mr. Bevan and/or Mr. Coren. 10 Q But you and I talked earlier about people, 11 other class members, and being paid when they 12 weren't harmed. Do you remember we had that 13 whole back and forth about "if" and you were 14 having -- 15 A Yes. 16 Q -- trouble understanding the "if"? Okay. 17 So here's a document in which it's saying 18 that people are filing complaints against talc 19 companies where the people where actually never 20 exposed to talc. Do you see that? 21 A That's what it says. 22 Q Okay. And so now we don't have a hypothetical, 23 we have a situation where you as a class 24 representative know people are filing cases in 25 which they were never even exposed to talc.</p>	<p style="text-align: right;">Page 117</p> <p>1 Q For people who were exposed to asbestos and 2 talc, like Georgia -- Southern's talc -- 3 A Right. 4 Q -- because we now know that Southern Talc 5 Company is rife with asbestos. 6 A Right. 7 Q Okay. So somebody works with that talc for 20 8 years and develops meso and you have a limited 9 amount of money at the end. Do you think the 10 meso victim should get less money because 11 people who were never exposed to talc are going 12 to make claims? How is that fair? 13 MR. COREN: Objection to 14 form. 15 A I'm still not certain how I would factually be 16 able to answer about fairness, in particular -- 17 you know, we know that the basis is if they're 18 exposed to talc. But to me, again, this is 19 what I say, the supposition questions, I mean, 20 I just don't see how I can fairly answer them. 21 Q But you're the class representative. 22 A I'm the class representative on this particular 23 case. Are you saying that in this particular 24 case we're not talking about being harmed by 25 asbestos?</p>

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<p style="text-align: right;">Page 118</p> <p>1 Q I'm asking you as a class rep do you think that 2 people who were never exposed to talc -- 3 A If they were never exposed to talc, based upon 4 accepted practices, then no, I don't think they 5 would be entitled to compensation, but to add 6 to that, I don't see how I really would make 7 that determination. 8 Q You would need the Court to help you? 9 A There you go. Yes. 10 Q Okay. And if the Court were to determine that 11 people were never exposed to my client's talc, 12 Ermtal talc, and the Court determined that, you 13 would agree that, yeah, they shouldn't get 14 money either? 15 A If the Court determined that? 16 Q Yes. Correct? 17 A Yes. 18 (Defendants' Exhibit 13 was marked.) 19 Q Let's go to D Ex. 13. 20 A Okay. 21 Q D Ex. 13 is the deposition of Kathryn Damell 22 on June 18, 2001. 23 A Okay. 24 Q Okay. 25 A The date again?</p>	<p style="text-align: right;">Page 120</p> <p>1 form. 2 A Yes. 3 Q And that's part of the reason why for the last 4 15 or so years you've helped Mr. Bevan recover 5 money from various companies for 6 asbestos-related injuries, correct? 7 A That's correct. 8 Q Now would you turn to page 113? 9 A In the same document? 10 Q Yes, ma'am. 11 And line 23, page 113 at the bottom. 12 A Uh-huh. 13 Q It says, "Do you draw a distinction, ma'am, 14 between soapstone and talc?" 15 Answer, "And talcum?" 16 Question, "Talc, do you know what talc 17 is?" 18 Answer, "No." 19 Question, "Okay." 20 "You're talking about talcum?" 21 Question, "I'm talking about a material 22 that is used in some industries that is 23 referred to as talc, T-A-L-C." 24 Answer, "I've never heard of it." 25 Do you see that?</p>
<p style="text-align: right;">Page 119</p> <p>1 Q January 18, 2001. 2 A January. 3 Q Yes, sorry. 4 A It wouldn't have been June, no. 5 Q Sorry. Could you turn to page 47? 6 A 47? 7 Q Yep. 8 A Okay. 9 Q And it's their question to Ms. Damell about 10 her exposure to real asbestos in the BFGoodrich 11 plant. 12 Line 6, question, "What were in the bags, 13 ma'am?" 14 Answer, "Asbestos." 15 Question, "Just raw asbestos?" 16 Answer, "Raw asbestos, 50-pound bags. 17 And it was written right on the bags what it 18 was, heck, we didn't know that it was dangerous 19 or anything like that." 20 Do you see that? 21 A Yes. 22 Q Okay. You understood that Ms. Damell was in 23 fact exposed to real asbestos in the BFGoodrich 24 plant? 25 MR. COREN: Objection as to</p>	<p style="text-align: right;">Page 121</p> <p>1 A Yes. 2 (Defendants' Exhibit 14 was marked.) 3 Q And then if we go to D Ex. 14, the next 4 deposition, January 22, 2001. 5 A Okay. 6 Q And if you turn to page 226, I want to refer 7 you to a statement by Mr. Bevan at the bottom. 8 A Page 226? 9 Q Yes. 10 A Okay. 11 Q Mr. Bevan says, "Brent, we stipulated and we 12 will stipulate again that she doesn't know the 13 brand name, manufacturer, distributor or 14 supplier of any insulation products, as well as 15 any soapstone products as well." 16 Do you see that? 17 A No. Where is it? You said on 226? 18 Q Right at the bottom. 19 A Oh, okay. Okay. 20 Yes. 21 Q Does that refresh your recollection as to 22 whether your mother didn't know the name of any 23 of the talc manufacturers that she was exposed 24 to? 25 A Again, I was not part of those conversations.</p>

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<p style="text-align: right;">Page 122</p> <p>1 Q Would Mr. Bevan be the best person to talk to?</p> <p>2 A Yes, he would be.</p> <p>3 Q It's time for lunch.</p> <p>4 A Okay.</p> <p>5 Q We're taking a lunch break.</p> <p>6 A Okay.</p> <p>7 Q Okay. Is that okay with you?</p> <p>8 A That's fine with me.</p> <p>9 Q Okay. Great.</p> <p>10 MR. ASSAF: Let's go off</p> <p>11 the record.</p> <p>12 THE VIDEOGRAPHER: Off the record.</p> <p>13 The time is 12:30.</p> <p>14 (Recess taken.)</p> <p>15 THE VIDEOGRAPHER: We're back on</p> <p>16 the record. The time is 1:08.</p> <p>17 BY MR. ASSAF:</p> <p>18 Q Good afternoon.</p> <p>19 A Good afternoon.</p> <p>20 Q Did you discuss your deposition testimony over</p> <p>21 lunch?</p> <p>22 A No.</p> <p>23 Q Did you review any documents --</p> <p>24 A No.</p> <p>25 Q -- over lunch? Okay.</p>	<p style="text-align: right;">Page 124</p> <p>1 Q Where are they?</p> <p>2 A I think they're at the family home. I'm not</p> <p>3 sure. I'm not sure, but I think they're at the</p> <p>4 family home where one of my sisters lives.</p> <p>5 Q Okay. Do they still exist?</p> <p>6 A Oh, yes. Yes.</p> <p>7 Q Okay. And could you -- could you work with</p> <p>8 Mr. Coren to get those -- to have somebody</p> <p>9 review those documents?</p> <p>10 A Yes, I would be able to do that.</p> <p>11 Q Great. Thank you.</p> <p>12 A Uh-huh.</p> <p>13 Q Now, and also -- so you see it's entitled</p> <p>14 Kathryn Damell Complaint?</p> <p>15 A Uh-huh.</p> <p>16 Q The re line.</p> <p>17 A Uh-huh.</p> <p>18 MR. ASSAF: Mr. Coren and</p> <p>19 Mr. Placitella, do you have any reason why this</p> <p>20 wasn't produced or logged? D Ex. 6. The</p> <p>21 letter entitled Kathryn Damell Complaint.</p> <p>22 MR. COREN: Is this 6?</p> <p>23 MR. ASSAF: Yes, that's 6.</p> <p>24 MR. COREN: Your question</p> <p>25 is, I'm sorry, what?</p>
<p style="text-align: right;">Page 123</p> <p>1 I'm going to show you again Defendants'</p> <p>2 Exhibit 6 and Defendants' Exhibit 8, the</p> <p>3 correspondence to and from Bevan regarding</p> <p>4 settlement with seven top defendants and</p> <p>5 regarding the Kathryn Damell complaint.</p> <p>6 A You said 6?</p> <p>7 Q I'm going to give it to you.</p> <p>8 A Okay.</p> <p>9 Q So let's start with D Ex. 6.</p> <p>10 A All right.</p> <p>11 Q D Ex. 6 is February 15, 2001 and it's entitled</p> <p>12 Re: Kathryn Damell Complaint. Do you see</p> <p>13 that?</p> <p>14 A Yes.</p> <p>15 Q So would this be part of your files? Would</p> <p>16 Mr. Bevan have sent you a copy of this?</p> <p>17 A No. This was February 15, '01. Mom passed --</p> <p>18 Q Right.</p> <p>19 A -- in June of '01. So it would have been with</p> <p>20 her.</p> <p>21 Q But did you take her files, her litigation</p> <p>22 files --</p> <p>23 A No.</p> <p>24 Q -- when she passed?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 125</p> <p>1 MR. ASSAF: Why that wasn't</p> <p>2 produced or logged. I just checked over the</p> <p>3 lunch break and it hasn't been produced and it</p> <p>4 hasn't been logged.</p> <p>5 MR. COREN: I'll have to</p> <p>6 look into it, Gene, I don't know.</p> <p>7 MR. ASSAF: Okay.</p> <p>8 Q And also, then, D Ex. 8, which I'm going to put</p> <p>9 also in front of you, which again, is Bevan</p> <p>10 correspondence settlement with seven talc</p> <p>11 defendants.</p> <p>12 MR. ASSAF: And as we said,</p> <p>13 Ms. Damell's mentioned throughout the letter,</p> <p>14 and I just don't -- I'm now concerned.</p> <p>15 It just dawned on me over lunch that this</p> <p>16 wasn't produced or logged and how could that</p> <p>17 be? There's only six named plaintiffs and this</p> <p>18 is -- you met with Bevan prior to the</p> <p>19 complaint, you've met with Bevan since. She --</p> <p>20 Bevan is Ms. Holley's lawyer. He has all the</p> <p>21 files. How could it be that this isn't</p> <p>22 produced or logged?</p> <p>23 MR. COREN: Gene, we'll</p> <p>24 take a look into it, whether the document still</p> <p>25 exists or not, because of the date and the</p>

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<p style="text-align: right;">Page 126</p> <p>1 timing of the things, I'll have to look into it 2 and see. 3 MR. ASSAF: And will you 4 also agree to look at Ms. Holley's documents, 5 both at her home and at the family home, the 6 underlying -- I hesitate to say what I really 7 think, but how could they not be even reviewed, 8 yet alone put aside so that nothing happens to 9 them? It's one of the named plaintiffs in the 10 case. 11 MR. COREN: Gene, we'll 12 talk about this later. 13 BY MR. ASSAF: 14 Q Now, you mentioned when you met with 15 Mr. Placitella and Mr. Bevan when you first 16 heard about the case and you took notes that 17 you hopefully still have at home, do those 18 notes have who else was at the meeting? 19 A No. 20 Q Okay. How did you find out about the meeting? 21 A I was either contacted by phone or mail to come 22 to the meeting. 23 Q By Mr. Bevan or Mr. Placitella? 24 A By Mr. Bevan's office. 25 Q Did you know what the topic of the meeting was?</p>	<p style="text-align: right;">Page 128</p> <p>1 filed with the Court until the Court asks to 2 see them. 3 MR. ASSAF: Do you have 4 one? 5 MR. COREN: What, a fee 6 agreement? 7 MR. ASSAF: Yeah. 8 MR. COREN: Yes. My 9 understanding we do, yes. 10 MR. ASSAF: Okay. 11 MR. COREN: Okay. 12 Q So you do have a written fee agreement. 13 A Okay. 14 Q Okay. 15 MR. ASSAF: Could 16 Ms. Holley have a copy of it? 17 MR. COREN: She probably 18 does but doesn't recollect. 19 A That could possibly be the case. 20 Q Okay. Do you have any understanding of the 21 terms? 22 A Understanding based on that particular fee 23 agreement or do I understand a fee agreement? 24 Q Well, let's do both. 25 A Okay.</p>
<p style="text-align: right;">Page 127</p> <p>1 A Not at the time that I received notice. 2 Q Have you ever been in Mr. Placitella's offices 3 in Pennsylvania or New Jersey? 4 A No. 5 Q Are you willing to come to New Jersey for court 6 proceedings? 7 A Yes. We discussed that. 8 Q Okay. Have you had any meetings with the class 9 representatives without the attorneys present? 10 A Not without attorneys present, no. 11 Q Do you know whether any of the other 12 attorneys -- withdrawn. 13 Do you know whether any of the other 14 class representatives have written fee 15 agreements with Mr. Placitella? 16 A I would not have that information. 17 MR. ASSAF: I'll reiterate 18 this request. We've looked over lunch, and the 19 written fee agreement, which I understand is a 20 requirement under New Jersey, but you can tell 21 me -- 22 MR. COREN: Yes, but -- 23 MR. ASSAF: -- is neither 24 logged, nor produced. 25 MR. COREN: Nor are they</p>	<p style="text-align: right;">Page 129</p> <p>1 Q Do you understand a fee agreement? 2 A Yes, I do. 3 Q What's that? 4 A The fee agreement is the document between an 5 attorney and client, okay, stipulating how 6 they're going to handle the case and possibly 7 the amount or if it's contingency. 8 Q Contingency. And do you know whether the 9 Williams case is a contingency case? 10 A I'm not certain. I really am not certain. I 11 don't recall -- I just don't recall in this 12 particular defendant. I don't recall any of 13 the documents or anything that was presented. 14 Because I think that was -- I believe it was 15 all done while my mom was still living. 16 Q But with respect to this Williams case, the 17 case in New Jersey. 18 A Oh, okay. Okay. 19 Q What do you recall about the fee agreements in 20 that case? 21 A I have no recollection of the fee agreement in 22 this particular case. 23 Q Do you even have a general understanding of how 24 much you're entitled to recover? 25 A Those things have not been discussed with me</p>

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<p style="text-align: right;">Page 130</p> <p>1 either by them or Mr. Bevan. We have not -- I</p> <p>2 have not discussed fees in this case.</p> <p>3 Q Or your recovery?</p> <p>4 A No.</p> <p>5 Q So --</p> <p>6 A If I understand what you're saying.</p> <p>7 Q Let's make it clear, though.</p> <p>8 A Okay.</p> <p>9 Q As we sit here today, you have not had any</p> <p>10 discussions with Mr. Placitella and Mr. Coren's</p> <p>11 firm or Mr. Bevan's firm about what the fee</p> <p>12 arrangements are, in terms of the fees and the</p> <p>13 recovery in this case?</p> <p>14 A No.</p> <p>15 Q And how do you think that's all going to get</p> <p>16 sorted out?</p> <p>17 MR. COREN: Objection.</p> <p>18 Gene, you know, you're now --</p> <p>19 MR. ASSAF: No speaking</p> <p>20 objections. Do you have an objection?</p> <p>21 MR. COREN: Yeah, I have an</p> <p>22 objection --</p> <p>23 MR. ASSAF: What is it --</p> <p>24 MR. COREN: -- because</p> <p>25 you're --</p>	<p style="text-align: right;">Page 132</p> <p>1 MR. COREN: She just</p> <p>2 doesn't recollect --</p> <p>3 MR. ASSAF: And the fee</p> <p>4 agreement isn't logged or produced?</p> <p>5 MR. COREN: You don't log</p> <p>6 and you don't produce fee agreements, Gene.</p> <p>7 It's not my experience, okay?</p> <p>8 MR. ASSAF: Even Jared is</p> <p>9 raising his eyebrows at that one. You better</p> <p>10 check that.</p> <p>11 MR. PLACITELLA: No --</p> <p>12 Q Okay. So --</p> <p>13 MR. PLACITELLA: -- based on</p> <p>14 your comment, Gene but --</p> <p>15 Q -- Ms. Holley, in terms of Mr. Bevan's</p> <p>16 relationship to this Williams case in New</p> <p>17 Jersey, do you have a written fee agreement</p> <p>18 with him?</p> <p>19 A I don't recall doing the written -- I don't</p> <p>20 recall doing a fee agreement with regard to</p> <p>21 this case.</p> <p>22 Q Okay. Do you have any understanding of how</p> <p>23 Mr. Bevan will get paid, if at all?</p> <p>24 A I can't recall ever discussing that or seeing</p> <p>25 anything in writing.</p>
<p style="text-align: right;">Page 131</p> <p>1 MR. ASSAF: -- form,</p> <p>2 foundation, or privilege?</p> <p>3 MR. COREN: Form,</p> <p>4 foundation, and privilege.</p> <p>5 MR. ASSAF: Okay. You're</p> <p>6 instructing her not to answer?</p> <p>7 MR. COREN: Correct.</p> <p>8 MR. ASSAF: Okay. Basis?</p> <p>9 MR. COREN: You know,</p> <p>10 privilege.</p> <p>11 MR. ASSAF: Attorney-client</p> <p>12 privilege?</p> <p>13 MR. COREN: Yeah.</p> <p>14 Attorney-client privilege, because now you need</p> <p>15 to invade into discussions that occurred</p> <p>16 regarding, you know, aspects of the fees.</p> <p>17 MR. ASSAF: She doesn't --</p> <p>18 she has no -- she has no -- there are no</p> <p>19 discussions because she has no -- she says</p> <p>20 she --</p> <p>21 MR. COREN: That's right,</p> <p>22 she has no recollection. She doesn't recall</p> <p>23 it.</p> <p>24 MR. ASSAF: Of any</p> <p>25 discussions regarding fees?</p>	<p style="text-align: right;">Page 133</p> <p>1 Q Is that something you would -- withdrawn.</p> <p>2 You seem pretty savvy and you've been</p> <p>3 around litigation for 15 years. It seems like</p> <p>4 something you would recall?</p> <p>5 A Probably.</p> <p>6 Q Let's see.</p> <p>7 MR. ASSAF: And</p> <p>8 verifications, have we gotten them?</p> <p>9 MR. PLACITELLA: I have someone</p> <p>10 in my office getting them. We'll get those to</p> <p>11 you soon.</p> <p>12 MR. ASSAF: Great.</p> <p>13 Q All right. So let's turn to settlements with</p> <p>14 other asbestos defendants.</p> <p>15 Could you tell me in order of magnitude</p> <p>16 how much you've received for asbestos-related</p> <p>17 injuries since filing that lawsuit that we saw</p> <p>18 against 98 defendants?</p> <p>19 MR. COREN: I'm going to</p> <p>20 instruct her not to answer for the reasons we</p> <p>21 explained earlier, that the issue of the</p> <p>22 settlement with other parties outside of the</p> <p>23 settlements with the asbestos trust is an issue</p> <p>24 that is before the Court on scope of discovery,</p> <p>25 and I'm going to advise her not to respond</p>

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<p style="text-align: right;">Page 134</p> <p>1 until that issue is sorted out with magistrate 2 judge -- 3 A And I consider that confidential. 4 Q You consider it confidential? 5 A I do. I consider it confidential. 6 Q Have you discussed your settlements with 7 anybody other than lawyers? 8 A No. 9 Q Like your family members? 10 A Not discussed settlements, just as fiduciary. 11 When there were settlements, I distribute the 12 checks. 13 Q And you've distributed checks over the last 15 14 years? 15 A Yes. 16 Q Do you have a -- withdrawn. 17 If your attorneys allowed you to answer, 18 would you be able to tell me how much you've 19 recovered from asbestos -- for asbestos-related 20 injuries? 21 A I would not be able to say that on the top of 22 my head, no. 23 Q But do you have documentation -- 24 A I have -- 25 Q -- to show it?</p>	<p style="text-align: right;">Page 136</p> <p>1 accurate? 2 A To the best of my knowledge it would have been. 3 Q Would that have been reviewed by Mr. Bevan to 4 ensure that it was true and accurate? 5 A To the best of my knowledge it would have been. 6 (Defendants' Exhibit 15 was marked.) 7 Q Let me show you D Ex. 15, which I think is the 8 next document -- 9 A Okay. 10 Q -- to your right, Ms. Holley. 11 A Okay. 12 Q D Ex. 15 is a claim form for discounted cash 13 payment dated September 6, 2000. 14 A Uh-huh. 15 Q And the attorney name on the front is Tom 16 Bevan. Do you see that? 17 A Yes. 18 Q Have you seen this document before? 19 A I don't recall seeing this document before. 20 Q Would this be in your files or your mother's 21 files at the family home? 22 A Because it was 2000, it would probably be at 23 the family home. 24 Q Okay. Could you turn to page 13 of the form? 25 This right here. That's it.</p>
<p style="text-align: right;">Page 135</p> <p>1 A -- documentation. 2 Q Would this be in the files at your home? 3 A It would be in my files. 4 Q And let's talk about trusts. 5 You mentioned that you have settled with 6 or made claims against asbestos trusts, 7 correct? 8 A I believe so, yes. 9 Q And which attorney, if anyone, has helped you 10 with those? 11 A That would also be Attorney Bevan. 12 Q And have you filled out documentation regarding 13 those asbestos trusts and claims to them? 14 A Yes, through the Probate Court, which has to 15 certify. 16 Q And as we sit here today, you understand that 17 the information contained in those submissions 18 to the Court and to the trust have to be -- has 19 to be true and accurate? 20 A Yes. 21 Q And do you know whether your mother had 22 submitted information to trusts prior to her 23 death? 24 A She did. 25 Q And do you know whether that was true and</p>	<p style="text-align: right;">Page 137</p> <p>1 And number five, paragraph 5, states 2 "Injured party may write a narrative statement 3 below (or on a separate page) describing in 4 greater detail injured party's most significant 5 asbestos exposure." 6 It says, "Ms. Darnell was exposed to J-M 7 pipe covering, cement, and raw asbestos fiber 8 while employed by the BFGoodrich Company from 9 1969 to 1987." 10 Do you see that? 11 A Yes. 12 Q There's no mention of talc. 13 A Okay. 14 Q Do you know why? 15 A No. I wouldn't know why. 16 Q Would Mr. Bevan know? 17 A I'm not sure. 18 Q If anybody knows the reason why this says what 19 it says, it would be Mr. Bevan, not you? 20 A It would be him, not me. 21 Q And if you turn to page 17. 22 A Of the same document? 23 Q Yes. 24 And the first question says, "Has any 25 asbestos-related lawsuit been filed on behalf</p>

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<p style="text-align: right;">Page 138</p> <p>1 of this injured party?"</p> <p>2 Do you see this?</p> <p>3 A Yes.</p> <p>4 Q It says "No."</p> <p>5 Do you see that?</p> <p>6 A Yes.</p> <p>7 Q Is that correct?</p> <p>8 A This was in 2000?</p> <p>9 Q Yes. Yes.</p> <p>10 A I wouldn't know for sure. I wouldn't know for</p> <p>11 sure, because my mom was still living and the</p> <p>12 interaction with the attorney would have been</p> <p>13 between her and Attorney Bevan.</p> <p>14 Q Who, if anyone, would know whether this</p> <p>15 statement is correct?</p> <p>16 A Attorney Bevan's office.</p> <p>17 Q And you would expect it to be true and</p> <p>18 accurate, correct?</p> <p>19 A I would expect it to be true and accurate, yes.</p> <p>20 Q And when you've submitted forms to other</p> <p>21 trusts, have you disclosed the fact that you</p> <p>22 have in fact filed other lawsuits against other</p> <p>23 asbestos companies?</p> <p>24 A I can't recall that.</p> <p>25 Q But you would expect that if that question were</p>	<p style="text-align: right;">Page 140</p> <p>1 A Uh-huh. Yes.</p> <p>2 Q Do you recognize this document?</p> <p>3 A Well, by just looking at it now I see that I</p> <p>4 signed in 2012.</p> <p>5 Q And would you tell me the process that you</p> <p>6 would go through before signing a document like</p> <p>7 this? Did you talk to Mr. Bevan? Did you</p> <p>8 review documents?</p> <p>9 A I would talk to Mr. Bevan and we would discuss</p> <p>10 the particular offer from the company. And I</p> <p>11 also -- if it were accepted, I also would have</p> <p>12 received a release.</p> <p>13 Q Okay. All right. Now the rest of the</p> <p>14 documents I'm going to go through pretty</p> <p>15 quickly. You can put them all in front of you</p> <p>16 if you'd like --</p> <p>17 A Right.</p> <p>18 Q -- to --</p> <p>19 A Right.</p> <p>20 Q -- Ms. Holley.</p> <p>21 A Right.</p> <p>22 (Defendants' Exhibit 17 was marked.)</p> <p>23 Q D Ex. 17 is a document entitled -- or a</p> <p>24 document that appears to be a release relating</p> <p>25 to Johns-Manville of Travelers.</p>
<p style="text-align: right;">Page 139</p> <p>1 asked by other trusts that you would in fact</p> <p>2 disclose the other lawsuits, correct?</p> <p>3 A I would expect so if that were the case.</p> <p>4 Q And you've never received advice to do</p> <p>5 something other than that?</p> <p>6 A No, I have not.</p> <p>7 Q That's something you would remember?</p> <p>8 A I believe so.</p> <p>9 Q The -- by the way, if you -- withdrawn.</p> <p>10 Did you file a claims form with the</p> <p>11 Kaiser Asbestos Trust? Do you know?</p> <p>12 A I can't say for sure.</p> <p>13 Q Okay. Roughly how many trusts have you filed</p> <p>14 against?</p> <p>15 A I couldn't begin to say. I know that there</p> <p>16 were a number of defendants sued and there are</p> <p>17 a number that have been settled, but I really</p> <p>18 couldn't even give you a ballpark figure.</p> <p>19 (Defendants' Exhibit 16 was marked.)</p> <p>20 Q Let's go to D Ex. 16, the very next document.</p> <p>21 A Okay.</p> <p>22 Q D Ex. 16 appears to be a document entitled</p> <p>23 "Kaiser Aluminum & Chemical Corporation</p> <p>24 Asbestos Personal Injury Trust Release."</p> <p>25 Do you see this?</p>	<p style="text-align: right;">Page 141</p> <p>1 A Uh-huh. Uh-huh.</p> <p>2 Q Do you recognize this document?</p> <p>3 A Yes, I recall it.</p> <p>4 (Defendants' Exhibit 18 was marked.)</p> <p>5 Q D Ex. 18 appears to be a claims resolution form</p> <p>6 for Kathryn Darnell for \$20,000 for Manville.</p> <p>7 A When was this? This was executed when?</p> <p>8 Q This looks like it was executed in 2000. 10 --</p> <p>9 November 11, 2000.</p> <p>10 A If it were 2000, my mother would have handled</p> <p>11 it.</p> <p>12 Q Okay. All right.</p> <p>13 (Defendants' Exhibit 19 was marked.)</p> <p>14 Q D Ex. 19 is from The Plibrico Asbestos Trust in</p> <p>15 Hopewell, New Jersey. A settlement -- a</p> <p>16 liquidated value of \$350,000 and a settlement</p> <p>17 amount of \$29,000. Do you recognize this</p> <p>18 document?</p> <p>19 A It appears I executed this in September of '07.</p> <p>20 Q Okay.</p> <p>21 (Defendants' Exhibit 20 was marked.)</p> <p>22 Q D Ex. 20 is a release agreement for Owens</p> <p>23 Coming/Fibreboard Asbestos Injury Trust.</p> <p>24 A I executed this in '09.</p> <p>25 Q And -- let me finish these.</p>

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<p style="text-align: right;">Page 142</p> <p>1 (Defendants' Exhibit 21 was marked.)</p> <p>2 Q D Ex. 21 is for Owens Coming Personal Injury</p> <p>3 Trust again dated November 18, 2009. Do you</p> <p>4 see that?</p> <p>5 A Uh-huh. Uh-huh.</p> <p>6 (Defendants' Exhibit 22 was marked.)</p> <p>7 Q D Ex. 22 is for United Gypsum Asbestos Personal</p> <p>8 Injury Trust.</p> <p>9 A Okay.</p> <p>10 Q Dated March 23, 2009.</p> <p>11 A Okay.</p> <p>12 Q Do you see that?</p> <p>13 A Yes.</p> <p>14 Q You signed that?</p> <p>15 A Yes.</p> <p>16 (Defendants' Exhibit 23 was marked.)</p> <p>17 Q D Ex. 23 is from the Probate Court of Summit,</p> <p>18 Ohio regarding the approval of a proffered</p> <p>19 settlement of \$257,000. And included in that</p> <p>20 is -- it looks like attorney's fees of \$88,000.</p> <p>21 A Right. Uh-huh.</p> <p>22 Q Is that to Mr. Bevan?</p> <p>23 A It would have been Mr. Bevan and the estate</p> <p>24 attorney, who at that time was Donald Walker.</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 144</p> <p>1 A Is that 29?</p> <p>2 Q Yes.</p> <p>3 A Okay. Yes.</p> <p>4 (Defendants' Exhibit 30 was marked.)</p> <p>5 Q D Ex. 30. \$26,000, April 16, 2010. Do you see</p> <p>6 that?</p> <p>7 A Yes.</p> <p>8 (Defendants' Exhibit 31 was marked.)</p> <p>9 Q D Ex. 31. Settlement amount of \$8,600 dated</p> <p>10 May 12, 2012. Do you see that?</p> <p>11 A Yes.</p> <p>12 Q And, by the way, so for a settlement like that</p> <p>13 of \$8,000, do you know whether that settlement</p> <p>14 has anything to do with whether the company</p> <p>15 produced a product with or without asbestos and</p> <p>16 how much asbestos it had and how much exposure</p> <p>17 your mom had to that product?</p> <p>18 MR. COREN: Objection.</p> <p>19 I'll instruct her not to answer. Once again,</p> <p>20 the issue of settlements and the issues going</p> <p>21 into settlements is a matter before Magistrate</p> <p>22 Dickson, and we're retaining our objections and</p> <p>23 instructing the witness not to answer on that</p> <p>24 basis.</p> <p>25 Q Could you answer the question but for the</p>
<p style="text-align: right;">Page 143</p> <p>1 (Defendants' Exhibit 24 was marked.)</p> <p>2 Q D Ex. 24 is a settlement amount of \$60,000,</p> <p>3 again with 20,000 to Mr. Bevan in 2004. Do you</p> <p>4 see this?</p> <p>5 A Yes.</p> <p>6 (Defendants' Exhibit 25 was marked.)</p> <p>7 Q D Ex. 25 is a settlement amount of \$172,000</p> <p>8 with attorney's fees of \$59,000 dated April 20,</p> <p>9 2005.</p> <p>10 A Yes.</p> <p>11 (Defendants' Exhibit 26 was marked.)</p> <p>12 Q D Ex. 26 is \$16,000 dated -- or I'm sorry.</p> <p>13 \$16,000 dated August 4, 2006. Do you see that?</p> <p>14 A Uh-huh.</p> <p>15 (Defendants' Exhibit 27 was marked.)</p> <p>16 Q D Ex. 27. \$40,000 settlement dated May 21,</p> <p>17 2007. Do you see that?</p> <p>18 A Yes.</p> <p>19 (Defendants' Exhibit 28 was marked.)</p> <p>20 Q D Ex. 28, a settlement amount of \$29,000 dated</p> <p>21 November 15, 2007. Do you see that?</p> <p>22 A Yes.</p> <p>23 (Defendants' Exhibit 29 was marked.)</p> <p>24 Q December 22, 2008, a settlement amount of</p> <p>25 \$11,000. Do you see that?</p>	<p style="text-align: right;">Page 145</p> <p>1 instruction?</p> <p>2 MR. COREN: It's a "yes" or</p> <p>3 "no" answer, Ms. Darnell -- Ms. Holley. Sorry.</p> <p>4 Q You would be able to answer the question unless</p> <p>5 Mr. Coren hadn't instructed you?</p> <p>6 A I believe I would be able to.</p> <p>7 Q Okay.</p> <p>8 (Defendants' Exhibit 32 was marked.)</p> <p>9 Q D Ex. 32. \$34,000. Another settlement amount.</p> <p>10 Do you recognize that?</p> <p>11 A Yes.</p> <p>12 (Defendants' Exhibit 33 was marked.)</p> <p>13 Q D Ex. 33. \$16,000. Do you recognize that?</p> <p>14 A Yes.</p> <p>15 (Defendants' Exhibit 34 was marked.)</p> <p>16 Q D Ex. 34. An amended probate order for a</p> <p>17 settlement amount of \$2,300. Do you recognize</p> <p>18 that?</p> <p>19 A Yes.</p> <p>20 (Defendants' Exhibit 35 was marked.)</p> <p>21 Q D Ex. 35. A settlement amount of \$11,000 dated</p> <p>22 April 13, 2015. Do you recognize that?</p> <p>23 A Yes.</p> <p>24 (Defendants' Exhibit 36 was marked.)</p> <p>25 Q D Ex. 36. A settlement amount of \$19,000 dated</p>

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<p style="text-align: right;">Page 146</p> <p>1 April 15, 2004. Do you recognize that?</p> <p>2 A Yes.</p> <p>3 (Defendants' Exhibit 37 was marked.)</p> <p>4 Q D Ex. 37. A settlement amount of \$24,000 dated</p> <p>5 April 27, 2010. Do you recognize that?</p> <p>6 A Yes.</p> <p>7 (Defendants' Exhibit 38 was marked.)</p> <p>8 Q January 20, 2010, a settlement amount of</p> <p>9 \$113,000. Do you recognize that?</p> <p>10 A Is that --</p> <p>11 Q D Ex. 38.</p> <p>12 A Yes, I see it's 38.</p> <p>13 Q Okay.</p> <p>14 A Yes.</p> <p>15 Q In terms of the various settlements, did you</p> <p>16 rely on Mr. Bevan's advice before consenting to</p> <p>17 settlements with other asbestos-related</p> <p>18 defendants?</p> <p>19 A Is the question did I rely on that with</p> <p>20 relation to other settlements or just one</p> <p>21 particular settlement at a time?</p> <p>22 Q One particular settlement at a time.</p> <p>23 A We did one particular settlement at a time.</p> <p>24 Q So for each settlement you would have a</p> <p>25 discussion with him regarding whether you</p>	<p style="text-align: right;">Page 148</p> <p>1 Q Since the BASF complaint was filed in two</p> <p>2 thousand -- in early 2011, have you settled</p> <p>3 with other defendants for asbestos-related</p> <p>4 claims?</p> <p>5 A Yes.</p> <p>6 Q And in settling with those, have you, in light</p> <p>7 of the BASF complaint, asked specific questions</p> <p>8 about the asbestos content in the products that</p> <p>9 you were settling?</p> <p>10 A No, I have not asked specific questions with</p> <p>11 regard to asbestos.</p> <p>12 Q Why not?</p> <p>13 A No. Because I --</p> <p>14 MR. COREN: Excuse me.</p> <p>15 THE WITNESS: Okay.</p> <p>16 MR. COREN: Work-product.</p> <p>17 THE WITNESS: Yeah.</p> <p>18 MR. COREN: Okay. I'm</p> <p>19 asserting an objection.</p> <p>20 Q And you can answer.</p> <p>21 MR. COREN: No. It's</p> <p>22 work-product. She can't answer. I'm</p> <p>23 instructing her not to answer.</p> <p>24 MR. ASSAF: Why she didn't</p> <p>25 ask questions?</p>
<p style="text-align: right;">Page 147</p> <p>1 should settle or not?</p> <p>2 A I'd say yes, that would be a basis of our</p> <p>3 conversation.</p> <p>4 Q Would it be in person or over the phone?</p> <p>5 A Either.</p> <p>6 Q And would a factor in the settlement be whether</p> <p>7 in fact the defendant had produced a product</p> <p>8 with asbestos?</p> <p>9 MR. COREN: Objection.</p> <p>10 Once again you're asking about settlements</p> <p>11 beyond BASF.</p> <p>12 And I'm instructing you not to answer.</p> <p>13 The matter is an issue before the judge</p> <p>14 on settlements with other parties other than</p> <p>15 BASF.</p> <p>16 Engelhard is a matter before Magistrate</p> <p>17 Judge Dickson and until that is resolved, I'm</p> <p>18 instructing you not to answer.</p> <p>19 Q Was it always Bevan or were there other lawyers</p> <p>20 or paralegals involved in the recommendation to</p> <p>21 settle cases?</p> <p>22 A To the best of my knowledge, it was always</p> <p>23 Attorney Bevan.</p> <p>24 Q And did you keep notes of those conversations?</p> <p>25 A No.</p>	<p style="text-align: right;">Page 149</p> <p>1 A No. No.</p> <p>2 MR. COREN: It's her mental</p> <p>3 processes.</p> <p>4 MR. ASSAF: Her mental</p> <p>5 processes?</p> <p>6 MR. COREN: Yes. You're</p> <p>7 trying to invade into her work-product</p> <p>8 regarding a settlement and why she made -- and</p> <p>9 what was on her mind as to things other than</p> <p>10 BASF. You're not entitled to it, Gene. And</p> <p>11 that's our position and we said that regarding</p> <p>12 the other settlements.</p> <p>13 It's a matter before Magistrate Judge</p> <p>14 Dickson and until all of those issues are</p> <p>15 resolved, I'm instructing her not to go into</p> <p>16 details regarding other settlements.</p> <p>17 Q After the BASF case was filed in 2011, you had</p> <p>18 understood from Mr. Bevan that there had been a</p> <p>19 fraud with Engelhard, fair?</p> <p>20 A Yes. That was my understanding.</p> <p>21 Q That -- according to Mr. Bevan, that Engelhard</p> <p>22 led him to believe that there was no asbestos</p> <p>23 in the talc, correct?</p> <p>24 A That is my understanding.</p> <p>25 Q Okay. In light of that understanding, did you,</p>

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<p style="text-align: right;">Page 150</p> <p>1 after the filing of the BASF complaint in 2011, 2 ask specific questions about whether a product 3 contained asbestos so that you wouldn't run 4 into another Engelhard situation? 5 MR. COREN: And it's the 6 same question that you had asked before, just a 7 little bit different when addressing, and I'm 8 giving her the same instruction. We're not 9 here to answer questions about her thought 10 processes regarding other settlements. It's an 11 issue that is before Magistrate Judge Dickson 12 and until it is resolved, we are not -- I'm 13 instructing her not to answer. 14 MR. MARINO: Michael, could 15 I ask you to speak up when you're talking? 16 It's hard to hear you over the phone. 17 MR. COREN: Sorry about 18 that. And I will try. 19 Q You mentioned that you believe the settlements 20 are confidential? 21 A Yes. 22 Q Do you have any written confidentiality 23 agreements in your custody, control, or 24 possession? 25 A I may have.</p>	<p style="text-align: right;">Page 152</p> <p>1 A To give whatever they asked for if I had it. 2 Q Correct. So if you still -- if you haven't 3 given the records to Mr. Coren, based upon your 4 normal practice, doesn't that tell you he 5 hasn't asked for them? 6 MR. COREN: Objection. 7 It's argumentative. 8 MR. ASSAF: Not 9 argumentative. She said earlier you didn't ask 10 her for them and now after lunch you say you 11 did ask. Did you review them? 12 MR. COREN: I'm saying 13 we -- they were requested. Have we reviewed 14 them yet, I have to ask my staff who handled 15 it. I don't know. 16 MR. ASSAF: Well, 17 Mr. Coren, when is this going to happen? 18 Discovery's supposed to end in four months. 19 We've already been in front of the judge. You 20 filed your -- we've had extensive discovery 21 briefing and her deposition's today. When 22 exactly are you going to decide whether you're 23 going to review these documents or not? 24 MR. COREN: I'm not here to 25 argue with you, Gene. You're trying to, you</p>
<p style="text-align: right;">Page 151</p> <p>1 Q And where would they be? 2 A They probably would be with my records. 3 Q The records that are at your house -- 4 A At my house. The ones that I have, yes. 5 Q That Mr. Coren hasn't reviewed yet? 6 A I don't know if he's reviewed them or not. 7 Q Okay. Well, earlier you said he hadn't asked 8 you for them? 9 A Right. Yeah. 10 MR. ASSAF: And, Mr. Coren, 11 was she wrong there? Because let's correct the 12 record. 13 MR. COREN: What? 14 MR. ASSAF: Have you asked 15 her for her records? 16 MR. COREN: Yes, we have. 17 MR. ASSAF: Oh. 18 Q So he has asked you for your records? 19 A I don't recall it, that's what I'm saying. I 20 don't recall that he asked for specific 21 records. No, I don't recall that. 22 Q Because you've dealt with Mr. Bevan and 23 attorneys for 15 years, and if an attorney 24 asked you for records, it would be your normal 25 practice to tell them about the records, fair?</p>	<p style="text-align: right;">Page 153</p> <p>1 know, and I'm not going to let you goad me into 2 an argument with you. 3 MR. ASSAF: It's not an 4 argument. I just want to know: When are you 5 going to review these documents? 6 MR. COREN: Well, I'm not 7 responding to you today. 8 Q By the way, going back to the Williams 9 settlement discussions that you heard about, 10 that there were the fact of discussions, would 11 you have anything in your materials so you're 12 able to put a date of when you heard about 13 those discussions? 14 A No, I wouldn't. 15 Q Okay. How would you have heard of them? By 16 phone or by mail or? By meeting? 17 A Probably by conversation, either in a meeting 18 or phone, but I don't -- I don't recall that. 19 Q And in terms of the settlement discussions in 20 the Williams case, as we sit here today -- 21 A This particular case we're discussing? 22 Q Yes. 23 A Okay. 24 Q With respect to the settlement discussions in 25 this particular case, the Williams case, you</p>

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<p style="text-align: right;">Page 154</p> <p>1 were never told what the proposed economic 2 settlements were and how much you would 3 receive, correct? 4 MR. COREN: Objection. 5 Don't answer. 6 Now you're trying to invade 7 communications by and between attorney-clients, 8 including regarding something that was in 9 mediation. So I'm -- 10 MR. ASSAF: Instructing 11 her -- 12 MR. COREN: -- asserting 13 a -- 14 MR. ASSAF: -- not to 15 answer? 16 MR. COREN: -- privilege. 17 Yeah. 18 MR. ASSAF: Instructing her 19 not to answer? 20 MR. COREN: That's correct. 21 A I consider that confidential. 22 MR. ASSAF: I am done 23 questioning for today, with the exception that 24 we haven't received the verifications. We 25 received a lot of documents last night. We've</p>	<p style="text-align: right;">Page 156</p> <p>1 BY MS. FIELDS: 2 Q Ms. Holley, I have a few questions on behalf of 3 my clients, Cahill Gordon & Reindel and Ira 4 Dembrow and Peter Sloane. 5 When you talked with Mr. Assaf earlier, I 6 believe he asked you if other than what you've 7 learned from Mr. Bevan if you had any personal 8 knowledge that his client had done anything 9 wrong, and I'd like to ask you that same 10 question with respect to my client. 11 So other than what you've learned from 12 Mr. Bevan, do you have any personal knowledge 13 of any wrongdoing by Cahill Gordon & Reindel? 14 A I have no personal knowledge, no. 15 Q And other than what you've learned from 16 Mr. Bevan, do you have any personal knowledge 17 of any wrongdoing by Mr. Peter Sloane? 18 A No. 19 Q And I'll ask you the same question. Other than 20 what you've learned from Mr. Bevan, do you have 21 any personal knowledge of any wrongdoing by 22 Mr. Ira Dembrow? 23 A No. 24 Q Do you know who Peter Sloane is? 25 A I believe he's an attorney.</p>
<p style="text-align: right;">Page 155</p> <p>1 identified at least two locations of documents 2 today, and there have been numerous 3 instructions not to answer. 4 So I'm done with my questioning for 5 today, but I'm holding open the deposition at 6 least on those topics and on any other 7 discovery issues that will arise, including 8 after Mr. Bevan's deposition. 9 Counsel, any questions? 10 MS. FIELDS: I have a few 11 questions on behalf of -- 12 THE VIDEOGRAPHER: Get a 13 microphone on before you start. 14 MS. FIELDS: Oh. 15 MR. COREN: Excuse me. I 16 need to use the facility. I apologize. Can we 17 take a break for five? 18 MR. ASSAF: Sure. 19 MR. COREN: Thanks. 20 THE VIDEOGRAPHER: Off the record. 21 The time is 1:43. 22 (Recess taken.) 23 THE VIDEOGRAPHER: We're back on 24 the record. The time is 1:47. 25 EXAMINATION OF MARILYN HOLLEY</p>	<p style="text-align: right;">Page 157</p> <p>1 Q Uh-huh. 2 A That was involved in this originally. I'm not 3 sure. 4 Q Have you had any personal contact with 5 Mr. Sloane? 6 A No. No. 7 Q And what is the factual basis for your belief 8 that Mr. Sloane's an attorney? 9 A In review of documents I saw his name. 10 Q Okay. Which documents were those? 11 A The documents I've reviewed recently. I think 12 he was referred to in the complaint. 13 Q Okay. And with respect to the complaint, do 14 you have any personal knowledge concerning any 15 allegations in the complaint about Cahill 16 Gordon & Reindel? 17 A No personal knowledge, no. 18 Q And do you have any personal knowledge of any 19 allegations in the complaint concerning Peter 20 Sloane? 21 A No. 22 Q And then I take it that you also have no 23 personal knowledge of any allegations in the 24 complaint concerning Ira Dembrow? 25 A No.</p>

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<p style="text-align: right;">Page 158</p> <p>1 Q Okay. Oh, just a few clean up questions.</p> <p>2 Can you tell me the address of your</p> <p>3 family home?</p> <p>4 A 1000 Moeller Avenue. Moeller is spelled</p> <p>5 M-O-E-L-L-E-R. It's avenue. And that's Akron,</p> <p>6 Ohio 44307.</p> <p>7 Q 44307?</p> <p>8 A Correct.</p> <p>9 Q And is that where you reside?</p> <p>10 A No. One of my sisters resides there.</p> <p>11 Q Okay. And what is her name?</p> <p>12 A Cheryl with a -- C-H-E-R-Y-L. Last name is</p> <p>13 Woolridge, W-O-O-L-R-I-D-G-E.</p> <p>14 Q Okay. And that's the location that you</p> <p>15 referred to before where you think that maybe</p> <p>16 your mother's documents from her legal affairs</p> <p>17 might be kept?</p> <p>18 A Yes.</p> <p>19 Q At this time that's the questions that I can</p> <p>20 ask you today.</p> <p>21 MS. FIELDS: We're going to</p> <p>22 hold open, obviously, our questions. We came</p> <p>23 prepared to depose the witness, but since we've</p> <p>24 learned that there are additional documents</p> <p>25 that we weren't aware of, we're obviously going</p>	<p style="text-align: right;">Page 160</p> <p>1 don't know if he's a plaintiff or what his role</p> <p>2 is.</p> <p>3 Q I see. Okay.</p> <p>4 Do you recall approximately -- the</p> <p>5 approximate date in which your mother was</p> <p>6 diagnosed with mesothelioma?</p> <p>7 A No, not exactly. Actually, I believe it would</p> <p>8 have been sometime in 2000, but I'm not certain</p> <p>9 of the date, no.</p> <p>10 Q Was she working at BFGoodrich at the time? Do</p> <p>11 you recall that?</p> <p>12 A No. She had retired.</p> <p>13 Q Okay. She retired in 1987, is that correct?</p> <p>14 A Correct. In 1987.</p> <p>15 Q And was Mr. Bevan or his law firm the first</p> <p>16 firm that she retained in connection with her</p> <p>17 claims relating to her exposure to asbestos?</p> <p>18 A To the best of my knowledge, he is the first</p> <p>19 one.</p> <p>20 Q And do you know when your mother retained</p> <p>21 Bevan's firm?</p> <p>22 A I could only guess '99 or 2000. I'm not sure.</p> <p>23 I'm not sure.</p> <p>24 Q Well, do you think that she retained Mr. Bevan</p> <p>25 before she was diagnosed with mesothelioma?</p>
<p style="text-align: right;">Page 159</p> <p>1 to wait to ask the balance of our questions</p> <p>2 until we have all of the material.</p> <p>3 Additionally, there were plenty of</p> <p>4 objections, the validity of which will be ruled</p> <p>5 upon at a later date and we may find ourselves</p> <p>6 back here.</p> <p>7 Q So at this point that's all that I have for</p> <p>8 you.</p> <p>9 A Okay.</p> <p>10 Q So thank you.</p> <p>11 A Uh-huh.</p> <p>12 MR. COREN: Eric or John.</p> <p>13 MR. TUNIS: This is Eric.</p> <p>14 I have a few questions for Ms. Holley.</p> <p>15 THE WITNESS: Okay.</p> <p>16 EXAMINATION OF MARILYN HOLLEY</p> <p>17 BY MR. TUNIS:</p> <p>18 Q Good afternoon, Ms. Holley.</p> <p>19 A Good afternoon.</p> <p>20 Q My name's Eric Tunis. I represent Thomas</p> <p>21 Halket in connection with the Williams</p> <p>22 litigation.</p> <p>23 Are you familiar with the name Thomas</p> <p>24 Halket?</p> <p>25 A Only I think by seeing it on documents, but I</p>	<p style="text-align: right;">Page 161</p> <p>1 A I don't know. I'd hate to say. I don't know.</p> <p>2 Q But it would have been around the time that she</p> <p>3 was diagnosed, is that fair to say?</p> <p>4 A I would say that's fair to say.</p> <p>5 Q Do you know whether she personally contacted</p> <p>6 anyone, either with BFGoodrich or any of the</p> <p>7 manufacturers of asbestos products that you</p> <p>8 believe she was exposed to?</p> <p>9 A I could only speculate. I have no personal</p> <p>10 knowledge of that.</p> <p>11 Q Okay. And do you have any idea when the Bevan</p> <p>12 firm might have contacted Engelhard regarding</p> <p>13 your mother's claims related to her exposure to</p> <p>14 asbestos?</p> <p>15 A Again, because I was not involved in the</p> <p>16 Engelhard settlement, I could only guess that</p> <p>17 it was 2000, 2001. I'm really not certain.</p> <p>18 Q All right. I don't have any questions -- any</p> <p>19 other questions at this time.</p> <p>20 MR. COREN: John.</p> <p>21 MR. BOYLE: Hi. This is</p> <p>22 John Boyle. We don't have any other questions</p> <p>23 at this time, although we reserve for the same</p> <p>24 reasons as everyone else does.</p> <p>25 MR. PLACITELLA: Just for the</p>

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<p style="text-align: right;">Page 162</p> <p>1 record, counsel, we sent over the verifications 2 to BASF's answers to interrogatories. I sent 3 the emails. Did you guys receive that? 4 MR. FARRELL: I see an email 5 now with Ms. Holley's verifications. I don't 6 see them for the other plaintiffs. 7 MR. PLACITELLA: Right. For 8 Ms. Holley's. 9 MR. FARRELL: Do you have the 10 ones for the other plaintiffs? 11 MR. PLACITELLA: I'll have to 12 track down. I just asked my office for 13 Ms. Holley's. 14 MR. TUNIS: Have you sent 15 them to the other defendants? 16 MR. PLACITELLA: Yes, you should 17 have a copy there. 18 MS. FIELDS: Not the 19 verifications to the other defendants' - 20 MR. PLACITELLA: Right. 21 MS. FIELDS: -- discovery 22 but to BASF's. 23 MR. PLACITELLA: Correct. 24 MR. FARRELL: Was this sent 25 to us before?</p>	<p style="text-align: right;">Page 164</p> <p>1 THE STATE OF OHIO,) SS: 2 COUNTY OF CUYAHOGA.) 3 4 I, Sarah R. Drown, a Notary Public within and 5 for the State of Ohio, duly commissioned and 6 qualified, do hereby certify that MARILYN HOLLEY, 7 was first duly sworn to testify the truth, the whole 8 truth and nothing but the truth in the cause 9 aforesaid; that the testimony then given by her was 10 by me reduced to stenotypy in the presence of said 11 witness, afterwards transcribed on a 12 computer/printer, and that the foregoing is a true 13 and correct transcript of the testimony so given by 14 her as aforesaid. 15 I do further certify that this deposition was 16 taken at the time and place in the foregoing caption 17 specified. I do further certify that I am not a 18 relative, counsel or attorney of either party, or 19 otherwise interested in the event of this action. 20 IN WITNESS WHEREOF, I have hereunto set my hand 21 and affixed my seal of office at Cleveland, Ohio, on 22 this 11th day of April, 2017. 23 Sarah R. Drown, Notary Public 24 within and for the State of Ohio 25 My Commission expires April 22, 2017.</p>
<p style="text-align: right;">Page 163</p> <p>1 MR. PLACITELLA: We sent those 2 just now. 3 MR. FARRELL: Had you 4 previously sent it to us? 5 MR. PLACITELLA: Not that I 6 recall. 7 MR. GEYERMAN: So on behalf of 8 the Cahill defendants, we want the verification 9 to the Cahill defendants' interrogatories when 10 you locate the verification, if there is a 11 verification. 12 MR. PLACITELLA: Of course. 13 MR. TUNIS: Same with 14 respect to Mr. Halket. 15 MR. COREN: Well, there 16 being no other questions, I guess that's it for 17 today. 18 THE VIDEOGRAPHER: We're off the 19 record at 1:55. 20 (Deposition was concluded at 1:55 p.m.) 21 (Signature reserved.) 22 23 24 25</p>	<p style="text-align: right;">Page 165</p> <p>1 2 THE STATE OF) 3) SS: 4 COUNTY OF) 5 6 7 8 Before me, a Notary Public in and for said 9 state and county, personally appeared the 10 above-named MARILYN HOLLEY, who acknowledged that 11 she did sign the foregoing transcript and that the 12 same is a true and correct transcript of the 13 testimony so given. 14 IN TESTIMONY WHEREOF, I have hereunto affixed 15 my name and official seal at 16 this day of 17 , 2017. 18 19 20 21 MARILYN HOLLEY 22 23 Notary Public 24 My Commission expires: 25</p>

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<p>1 DEPOSITION ERRATA SHEET</p> <p>2 Page No. Line No. Change to:</p> <p>3 Reason for change:</p> <p>4 Page No. Line No. Change to:</p> <p>5 Reason for change:</p> <p>6 Page No. Line No. Change to:</p> <p>7 Reason for change:</p> <p>8 Page No. Line No. Change to:</p> <p>9 Reason for change:</p> <p>10 Page No. Line No. Change to:</p> <p>11 Reason for change:</p> <p>Page No. Line No. Change to:</p> <p>12 Reason for change:</p> <p>13 Page No. Line No. Change to:</p> <p>14 Reason for change:</p> <p>Page No. Line No. Change to:</p> <p>15 Reason for change:</p> <p>16 Page No. Line No. Change to:</p> <p>17 Reason for change:</p> <p>Page No. Line No. Change to:</p> <p>18 Reason for change:</p> <p>19 Page No. Line No. Change to:</p> <p>20 Reason for change:</p> <p>Page No. Line No. Change to:</p> <p>21 Reason for change:</p> <p>22 Page No. Line No. Change to:</p> <p>23 Reason for change:</p> <p>Page No. Line No. Change to:</p> <p>24 Reason for change:</p> <p>25 SIGNATURE: DATE:</p>	<p>Page 166</p>

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